TRANSPARENCY INTERNATIONAL - PAKISTAN

ANTI-CORRUPTION AGENCY STRENGTHENING INITIATIVE ASSESSMENT OF PAKISTAN

NATIONAL ACCOUNTABILITY BUREAU

2016

Foreword

I have great satisfaction in introducing the Anti-corruption Agency Strengthening Initiative Assessment of Pakistan's National Accountability Bureau Report 2016.

The objective of the ACA Strengthening Initiative is first to produce a comprehensive qualitative performance assessment of National Accountability Bureau (NAB), including its areas of strength and weakness and secondly to identify gaps in terms of NAB's performance and provide feedback in the form of recommendations to NAB and other relevant stakeholders. These recommendations will be shared with different stakeholders. It is hoped that the Government and National Accountability Bureau will utilize this report to improve the performance of the Anti-Corruption Agency so that corruption in the country can be reduced.

This research has been made possible due to a grant from Transparency International Secretariat.

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About Transparency International

Transparency International (TI) is the civil society organization leading the global fight against corruption. Through close to 100 chapters worldwide and an international secretariat in Berlin, Germany, TI raises awareness of the damaging effects of corruption and works with partners in government, business and civil society to develop and implement effective measures to tackle it.

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About Transparency International Pakistan

Transparency International Pakistan (TI Pakistan) is the National chapter of Transparency International, established in 2002 with the main aim to strengthen the global value system by making transparency and accountability more relevant public norms. Working in collaboration with other stakeholders and departments, TI Pakistan regularly publishes research papers, reform proposals and manuals with the aim of disseminating information to all stakeholders, and also conducts capacity building workshops.

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ACRONYMS

ACA	Anti-Corruption Agency
CPEC	China Pakistan Economic Corridor
CPIB	Corrupt Practices Investigation Bureau
CPI	Corruption Perception Index
CSO	Civil Society Organization
FIA	Federal Investigation Agency
GCI	Global Competitive Index
GDP	Gross Domestic Product
HDI	Human Development Index
ICAC	The Independent Commission against Corruption
IAM	Internal Accountability Mechanism
KNAB	Latvia's Corruption Prevention and Combating Bureau
KPK	Komisi Pemberantasan Korupsi (Indonesia's ACA)
MACC	Malaysian Anti-Corruption Commission
NAB	National Accountability Bureau
NAO	National Accountability Ordinance
PB	Plea Bargain
PILDAT	Pakistan Institute of Legislative Development and Transparency
PPC	Pakistan Penal Code
TI	Transparency International
TI-Pakistan	Transparency International, Pakistan
WEF	World Economic Forum
USKOK	Prosecutors of Croatia's Bureau for Combating Corruption and Organized Crime

EXECUTIVE SUMMARY

Transparency International Asia Pacific Department has worked for the last few years with a group of regional and international experts and anti-corruption agencies (ACAs) to develop a collaborative framework to assess the enabling environment, performance and competence of these ACAs. An advisory group coordinated by Transparency International has developed a set of indicators and benchmarking standard, led by Professor Jon Quah, which aims to highlight the strengths and weaknesses of ACAs. The assessment of Pakistan's Anti-Corruption Agency, National Accountability Bureau (NAB), is a continuation of the collaborative effort initially taken by Bhutan and currently in place in other Asia Pacific countries. This report presents an analysis of Pakistan's policy and corruption context as well as a thorough research employing the desk review of NAB's reports, website and other relevant resources. Besides, it also presents the qualitative analysis of the interviews conducted with relevant stakeholders. The research resulted in the assessment of NAB against the set series of indicators. The assessment is followed by a series of recommendations to NAB and other relevant stakeholders including the government officials.

The assessment tool was developed during the two year period 2013 to 2015 through a collaborative dialogue between Transparency International, staff from some of the ACAs in the Asia Pacific region and a group of experts convened by Transparency International. The ACA is assessed on the basis of 50 indicators. Each indicator can be scored at three levels: high, medium and low. Each level was defined by an indicator, depending on the condition assessed. To score each indicator the research team identified the specific source of information, where necessary, from the ACC's legal basis of support and reports. The team further substantiated each score with in-depth interviews with the ACC's staff and management, as well as interviews with other government agencies, branches of government, media and civil society organizations.

The assessment aims at two specific goals: 1) To produce a comprehensive qualitative performance assessment of NAB, including its areas of strength and weakness and 2) To identify gaps in terms of NAB's performance and provide feedback in the form of recommendations to NAB and other relevant stakeholders.

The assessment report entails the policy context of Pakistan and a profile of NAB. Section One of the report presents the economic scenario of Pakistan which is a federal republic country. Though the income inequality is high, Pakistan is categorized as a lower middle income country according to World Bank list of economies as of July 2016. Corruption is cited as the most serious problem in the country.

NAB reflects its strength under the dimension of legal basis, independence and mandate. It is a legally independent unit operating under the aegis of the National

Accountability Ordinance-1999. Its scope of work involves education, detection, investigation and prosecution of cases involving corrupt practices. Its sole objective being eradication of corruption from society through an extensive strategy, it enjoys extensive powers to investigate arrest and prosecute.

There has been an extensive reliance on part of NAB on its awareness campaign to disseminate information on preventing and combating corruption and corrupt practices. Its internal integrity and accountability are guided by a Code of Conduct. It is encouraging to note that NAB takes cognizance of cases of corrupt practice by its own employees under National Accountability Ordinance.

The assessment of NAB, detailed in section three of the report tests 50 indictors, drafted to assess its performance, effectiveness and competence as well as to identify its weaknesses and areas for opportunity. The assessment comprises seven dimensions as follows:

1. NAB's Legal Basis, Independence and Mandate	(Seven indicators)
2. NAB's Financial and Human Resources	(Nine indicators)
3. NAB's Detection and Investigation Function	(Nine indicators)
4. NAB's Prevention, Education and Outreach Functions	(Nine indicators)
5. NAB's Cooperation with other Organizations	(Five indicators)
6. NAB's Oversight and Accountability	(Four indicators)
7. Public Perceptions of NAB's Performance	(Seven indicators)

TI-Pakistan followed the steps as follows to score each indicator.

1. The desk review of available resources was employed
2. It was later substantiated with interviews with NAB's Chairman, Deputy Chairman, Director Generals and other staff.
3. A focus group discussion was later organized with relevant stakeholders including government officials, media organizations, civil society, research scholars and university students.
4. Separate interviews with government officials and media were also held.

NAB has scored high in 49 per cent of the indicators assessed, moderate in 33 per cent of the indicators assessed, and low in 18 per cent of the indicators assessed.

The findings indicate that two dimensions emerge out to be strong in NAB's assessment: its Oversight and Accountability (89%) and its Cooperation with other Organizations (87%). NAB's Perception of Effectiveness is its weakest dimension scoring the lowest ranking (67%).

Table 4 illustrates all indicators and scores. The indicators rated as high are represented in green color, the moderate ones in yellow and the low ones in red, respectively. The indicators colored grey are not scored, because the research team did not have sufficient information to score them.

The indicators that could not be rated because of unavailability of adequate / credible data were 1) frequency of including corruption prevention recommendations in NAB's investigation reports, 2) its oversight mechanism, 3) public perception of adherence to due process in its use of powers among those having direct contact with NAB, 4) perception of NAB's effectiveness in corruption control among persons with direct contact with NAB and 5) its effectiveness in dealing with females who were in direct contact with NAB. These indicators were included as it represents a best model. Not having them indicates the need to segregating data based on indicator focus or the need of developing them given the importance of their focus.

By dimensions the gaps identified are as follows:

NAB's Legal Basis, Independence and Mandate

NAB reflects its strength under the dimension of legal basis, independence and mandate. The legal set up gives NAB independence in terms of its functions, authority and jurisdiction. Its sole objective is eradication of corruption. NAB has extensive powers to investigate arrest and prosecute the corrupt. The Chairman is appointed for a fixed term of four years by the President with the mutual consent of the Leader of the House and the Leader of Opposition. The shortfall under the dimension is lack of freedom in practice as NAB is reported not free from political pressures.

NAB's Financial and Human Resources

The average proportion of NAB's budget to total government budget for the past three years is the major shortfall under the dimension of financial resources. A comparison of the said budgets reflects that the proportion of budget in the last three years has been below 0.10% of the country's budget. However, according to NAB the revenue is sufficient to carry out its activities. Salaries and benefits of the staff are competitive. NAB officials have sufficient expertise to carry out their duties. However expertise in specialized fields is lacking.

NAB's Detection and Investigation Function

The major shortfall that appears under this dimension is the low number of complaints lodged as only less than one percent complaints are lodged relative to population and levels of corruption. Perhaps this is the reason behind the low confidence of the general public in the effectiveness of NAB. With regards to NAB's responsiveness to complaints, it is rated high based on the large number of complaints responded to in the last three years. NAB initiates complaints on its own, as and when required. It has intervened in and scrutinized several projects worth

billions of rupees. Complaints are also initiated on the information provided to NAB by other individuals and organizations. NAB is rated moderate in terms of number of cases investigated as between 300 to 800 cases annually have been investigated by NAB during the past three years. The working of NAB in terms of efficiency and professionalism of corruption is rated as moderate. NAB does not identify gender in compiling corruption complaints.

NAB's Prevention, Education and Outreach Functions

A substantial part of NAB's budget is allocated to its Prevention, Education and Outreach Functions. An extensive public outreach program is carried out each financial year that includes formulation of prevention plans at federal as well as provincial level, initiation of several corruption prevention initiatives and constitution of character building societies to enhance awareness through education and character building. There has been an extensive dissemination of information about corruption prevention and reliance on campaigns on part of NAB. Numerous initiatives have been taken such as activities on UN anti-corruption day, seminars, walks, academic competitions, media campaigns including radio TV and newspapers, documentaries, the slogan of Say No to Corruption on utility bills, Automated Teller Machine (ATMs) and banners and standees are put up at prominent places. The campaign would be more effective if anti-corruption is made a part of the curriculum at all levels of education. However, little independent research is undertaken by NAB. The use of social media to propagate its outreach activities is also limited.

NAB's Cooperation with Other Organizations

NAB's Cooperation with other organizations is one of its strongest dimensions. In terms of Government support to NAB for prosecution of corruption cases. It is observed that the Prosecutor General NAB is head of Prosecution Division, assisted by the Team of Legal experts and prosecutors all over the country. NAB has close coordination with Attorney General and Advocate General of Pakistan during defense of corruption cases when question of law arises. NAB collaborates with a wide range of international anti-corruption organization and initiatives including United Nations Convention against Corruption (UNCAC), International Association of Anti-Corruption Authorities (IAACA), etc. It has also been cooperating with member countries that have mutual legal assistance treaties and extradition treaties with Pakistan. Recently, the SAARC Anti-Corruption Forum was established with the NAB Chairman being nominated as its first Chairperson.

NAB's Oversight and Accountability

NAB's Oversight and Accountability emerges out to be one of its strongest dimensions. The only weak area in this dimension is that the oversight has no external accountability mechanism present to monitor its actions. There have been instances in the past when the higher courts have been exercising their supervisory jurisdiction and power of jurisdiction review whenever NAB has transgressed its limits.

NAB's Perceptions of Effectiveness

NAB's Perception of Effectiveness emerges out to be the weakest dimension. As compared to other anti-corruption organizations like Federal Investigation Agency and Provincial Anti-Corruption Departments, NAB is perceived to be more effective. However, confidence of NAB's treatment of persons under investigation in a dignified and respectful manner is low.

The score of the indicators are as follows:

1. NAB's Legal basis, independence and Mandate (7 indicators)	71 %
2. NAB's Financial and Human Resources (9 indicators)	67 %
3. NAB's Detection and Investigation Function (9 indicators)	61 %
4. NAB's Prevention, Education and Outreach Functions (9 indicators)	56 %
5. NAB's Cooperation with other Organizations (5 indicators)	80 %
6. NAB's Accountability and Oversight (4 indicators)	83 %
7. Public Perceptions of the NAB's Performance (7 indicators)	50 %

Way Forward

Based on the gaps analyzed and the opportunities identified as a result of the assessment of NAB, Transparency International, Pakistan recommends a number of strategic and practical recommendations for reform listed below and detailed in Section 4.

Recommendations

Two sets of recommendations have been formulated. One set of recommendations are for the Government and the other set is for NAB itself.

Recommendations for Government

Recommendation 1

Revision in the following clauses of National Accountability (NAO) should be made.

I. The clause of Article 6 of NAO 1999 should be revised to include wider range of options in terms of selection of Chairman NAB.

II. Revision in Article 25 (b) of the NAO should be made to include nominees of Chief Justice, Supreme Court of Pakistan and Provincial High Courts in the Conciliation Committee.

III. Article 31-C states: "No Court established under this Ordinance shall take cognizance of an offence against an officer or an employee of a bank or financial institution for writing off, waving, restructuring or refinancing any financial facility, interest or mark-up without prior approval of the State Bank of Pakistan. Court to take cognizance of offence with prior approval of the State Bank." The article should be deleted as it provides protection to corrupt bank officials and businessmen and hence, increases corruption in the country.

IV. The provision of Voluntary Return should be eliminated as it is against Article 25 of the constitution "Equality of citizens".

V. The option of Plea Bargain should only be exercised for approver/s in a transparent manner, only when the main accused in a corruption case can be prosecuted on the confession of the approver/s

Recommendation 2

1% of Gross Domestic Product (GDP) should be allocated to NAB

Recommendation 3

An Oversight Committee should be formulated to ensure accountability of NAB. After studying other common law jurisdictions, it is recommended that the committee may comprise of five judges of the Supreme Court headed by the Chief Justice.

Recommendation 4

Anti-Corruption should be included in the curriculum of the elementary, secondary and degree programs of educational institutions.

Recommendations for NAB

Recommendation 1

NAB should increase collaboration with the media to encourage the public to report corruption and improve its public image.

Recommendation 2

NAB should make a thorough analysis of the entire chain of system to improve its conviction rate.

Recommendation 3

Prosecutors and investigating officers of NAB should receive training in recovery of assets stashed in offshore companies/foreign countries, public procurement, banking and share trading.

Recommendation 4

NAB should make full use of social media as a catalyst for public engagement.

Recommendation 5

NAB should ensure that its investigation procedures should be completely compliant with the basic rights of the citizens enshrined in Qanoon-e-Shahdat and the country's constitution.

Recommendation 6

The timeline for inquiries should be in accordance with the provision in Ehtesab Act 1996 1996 which stipulates 60 days to dispose of a case.

Recommendation 7

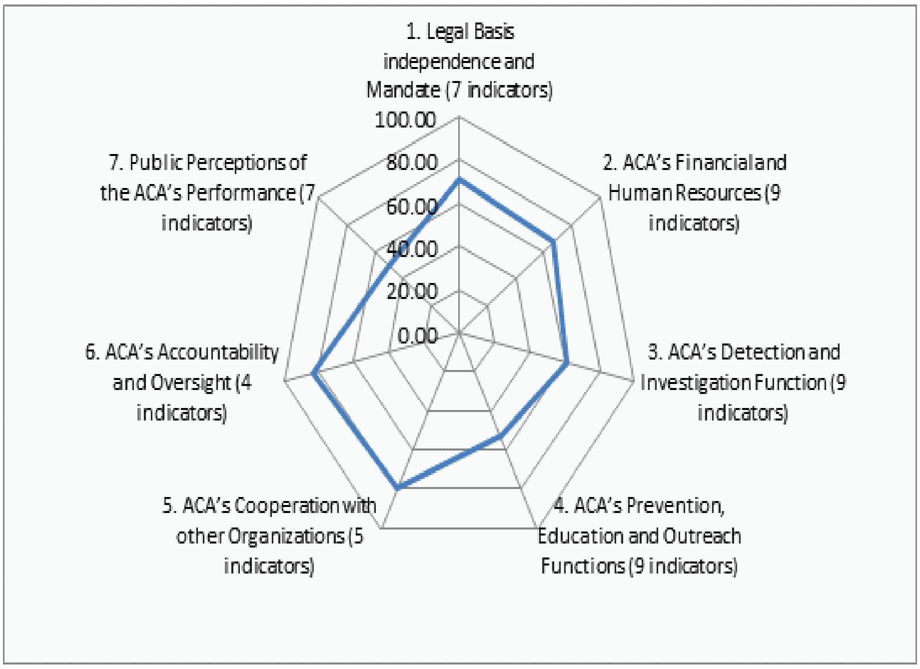
NAB should deal with the accused and the witnesses in a dignified and respectful manner.

Recommendation 8

Precautionary measures need to ensure that the agency does not itself become a source for extortion and corruption by instilling the values of honesty and integrity into its culture

Recommendation 9

NAB should ensure that the reference prepared and successfully tried in the Accountability Courts should be upheld in all subsequent review petitions in High Courts and Supreme Court.



Indicators by Dimension-NAB Assessment

INTRODUCTION

Transparency International (TI) is a global civil society organization combating corruption. Working collaboratively with its over 100 chapters across the world and partners in government, business and civil society, TI helps to raise awareness of the detrimental impact of corruption and proposes measures to handle it.

The United Nations Convention against Corruption (UNCAC) prescribes the establishment of independent bodies through national legal systems to enforce, implement and promote anti-corruption policies and principles. A well-functioning oversight mechanism with a focus on anti-corruption is absolutely vital for good governance in any country. Today, there are more than 100 Anti-Corruption Agencies (ACAs) around the world, with 27 in the Asia Pacific Region. However, across the world, a wide gap exists between the commitments displayed in establishing ACAs and the actual realization of their mandate.

TI embraces ACAs as natural partners in the fight against corruption. With this in mind, Transparency International (TI) has embarked on a new project, the 'Anti-Corruption Agency Strengthening Initiative' aimed at strengthening the effectiveness of ACAs in the Asia Pacific Region. TI strategizes to support institutions and uphold public sector integrity. Moreover, TI has developed diagnostic tools to measure strengths and weaknesses of ACAs so as to serve as a basis for sustained engagement, dialogue and advocacy. The ACA Strengthening Initiative shall act as a catalyst in kick-starting an informed discussion among ACAs, governments, anti-corruption stakeholders and the public about how to improve the performance of ACA at the regional and national level. TI model of assessment has been based on wide ranged collaborative effort of staff of TI, TI chapters, regional and international experts and interested ACAs of the Asia Pacific region through a series of discussions/workshops and consultations.

TI-Pakistan is a National Chapter of Transparency International, a civil society organization devoted to reduction of both international and national corrupt practices. Its key purpose is to fight against corruption in business dealings and to curb corruption on a national level. TI-Pakistan is one of the National Chapters of Transparency International, based in Karachi. The venture was an initiative by a group of dedicated professionals who deemed it necessary to support the Government in combating corruption at public and private domains. TI-Pakistan was recognized as a chapter in-formation in February 2001. Formal agreements were signed between Transparency International-Secretariat and representative promoters of the Pakistan Chapter. It was accredited as a full National Chapter by Transparency International, Berlin on 25 October, 2005 and was reaccredited in October 2009 and 2014. The agreement confirmed the establishment of Transparency International-Pakistan, as a National Chapter under the basic guidelines of Transparency International.

ABOUT THE ASSESSMENT

Between August and November 2016, TI- Pakistan, conducted an assessment of National Accountability Bureau (NAB), the Anti-Corruption Agency (ACA) of Pakistan. The assessment was aimed at identification of strengths and weaknesses of NAB and development of recommendations for improvement of its performance. It further aimed to create a space for NAB to have a dialogue with government and the public to make its conduct highly accountable to its stakeholders. The assessment will be made available widely to the public and anti-corruption actors in the Asia Pacific Region, stimulating debates on the subject. In the first phase, the process of assessment comprised document analysis, including review of NAB's annual reports, its website, TI, Pakistan's National Integrity System Report 2014 and media pieces. In the second phase, semi- structured interviews were conducted with the relevant stakeholders. Field work took place between August and September, 2016 followed by a focus group discussion with relevant stakeholders on October 1, 2016. Later, a draft report was shared first with NAB and later with the key stakeholders.

DIMENSIONS OF ASSESSMENT

There are seven factors that influence or indicate an ACA's performance: its legal basis, independence and mandate, its financial and human resources, its detection and investigation function, its prevention, education and outreach functions, its cooperation with other organizations, its accountability and oversight and public perception of NAB's performance.

The details below show the number of indicators for each of the seven dimensions of NAB's performance.

1. NAB's Legal Basis, Independence and Mandate	(Seven indicators)
2. NAB's Financial and Human Resources	(Nine indicators)
3. NAB's Detection and Investigation Function	(Nine indicators)
4. NAB's Prevention, Education and Outreach Functions	(Nine indicators)
5. NAB's Cooperation with other Organizations	(Five indicators)
6. NAB's Accountability and Oversight	(Four indicators)
7. Public Perceptions of NAB's Performance	(Seven indicators)

Each indicator can be scored at three levels: high, medium and low. The indicator is classified high if its overall score is between 67% and 100%, medium if its overall score is between 34% and 66% and low for an overall score between 0% and 33%.

To score each indicator the research team identified the specific source of information, where necessary, from the ACC's legal basis of support and reports. The team further substantiated each score with in-depth interviews with the ACC's staff and management, as well as interviews with other government agencies, branches of government, media and civil society organizations.

TI-Pakistan followed the steps as follows to score each indicator.

1. The desk review of available resources was employed

2. It was later substantiated with interviews with NAB's Chairman, Deputy Chairman, Director Generals and other staff.

3. A focus group discussion was later organized with relevant stakeholders including government officials, media organizations, civil society, research scholars and university students.

4. Separate interviews with government officials and media were also held.

The assessment report comprises four sections. Section One describes Pakistan's policy context and its perceived level of corruption. Section Two presents NAB's background and profile. The key findings of the research are presented in Section Three followed by conclusion and TI-Pakistan's recommendations for improvement presented in Section Four.

1. PAKISTAN'S POLICY CONTEXT AND PERCEPTIONS OF CORRUPTION

ECONOMY

Pakistan, a federal republic country, is one of the poorest and least developed countries in Asia. Its economy is agro-industrial based. The current population of Pakistan is 193,114,874 as of Sunday, July 31, 2016[1], based on the latest United Nations estimates with 38.6 % of the population being urban[2]. In 2015 its GDP per capita has risen by 4.24 percent[3] to 1,460 US dollars. Its total land area is 770,998 Km2 (297,684 sq. miles).

The World Economic Forum's (WEF) Global Competitiveness Index (GCI) for the year 2015-2016 has ranked Pakistan at 126 out of 140 economies[4] . The GDP per capita, though increased over the last 25 years is still lower than other middle income countries[5].

As per a recent World Bank report, over the past two and a half years, Pakistan has focused on achieving economic stability after the implementation of reform agenda. However, its slim export bases and lack of efficient and enabling trade policies are hindering its export competitiveness. The rate of inflation that slowed down in the beginning of 2016 has once again begun to increase. The economic stability is not sufficient to generate jobs for the emerging workforce every year. A recent World Bank report states that 33% of the population lives below the poverty line[6]. The five most challenging factors for doing business in Pakistan during 2015-2016 are cited as corruption, tax rates, inflation, access to financing and insufficient government bureaucracy[7]. Corruption is cited as the most problematic among these factors.

Year 2016 records a remarkable growth in industrial and services sector while other key macroeconomic indicators like inflation, fiscal and current account balance recorded improvement. Mainly, the external sector has been stable on account of vigorous growth in workers' remittances; continued flows from International Financial Institutions; and a drop in global oil prices. This improvement in the external sector contributed to the exchange rate stability during the year. A stable outlook of inflation and balance of payments encouraged the policymakers to implement pro-growth strategies.

The industrial sector during FY 2016 recorded a remarkable growth of 6.8 percent against the target of 6.4 percent and is all time high in eight years. The construction activities also recorded an impressive growth of 13.10 percent. It is foreseen that the construction related activities will gain further momentum on the back of increasing public sector development spending coupled with infrastructure and power sector development program under China Pakistan Economic Corridor[8].

1 http://www.worldometers.info/ Accessed on August 1, 2016
2 ibid
3 Pakistan GDP Growth Rate available at www.tradingeconomics.com/pakistan/gdp-growth Accessed on August 3, 2016
4 The Global Competitiveness Report 2015–2016 http://www3.weforum.org/docs/gcr/2015-2016/Global_Competitiveness_Report_2015-2016.pdf
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6 http://data.worldbank.org/country/pakistan Accessed on October 21, 2016
7 Pakistan Development Update From Stability to Prosperity Published : April 2016 documents.worldbank.org
8 PAKISTAN ECONOMIC SURVEY 2015-16 http://www.finance.gov.pk/survey/chapters_15/Overview_of_the_Economy.pdf

The thrust for Pakistan's next five years plan is to achieve growth, while maintaining macroeconomic stability and distributional equity and therefore, critical structural reforms are needed in many sectors and activities.

The private sector will be the main engine of economic growth and development in the proposed plan for the year 2016-2017. This will require a substantial revamping of the country's governance system, its incentive structure and the functioning of institutions. The industrial competitiveness will be increased, and cost of doing business reduced by major improvements in infrastructure, institutional reforms and policy paradigm.

The services sector contributes more than 58 per cent to the GDP, and has emerged as major driver of the economic growth in the recent past. Half of the growth of this sector comes from security-related services or public spending. It is worth noting that the growth of the services sector might have been higher than recorded in the national accounts since much of this sector remains undocumented. There is still unexplored potential in key services such as domestic commerce, transport, finance and insurance, communication, housing, tourism, and social and community services. The said sector will remain the pillar of the economy and significantly contribute to the growth impetus. Important contributions are expected from the financial services, transport, communication and trade services. Appropriate measures designed to effectively harness the potential of this sector are the expected outcomes of the said five year plan.

Table 1: Policy Context of Pakistan

DIMENSIONS	DATA	DATA SOURCES
Land area (in sq km)	**998 Km2 (297,684 sq. miles).**	http://www.worldometers.info/world-population/pakistan-population/ July 31,2016
Size of population	**193,114,874**	http://www.worldometers.info/world-population/pakistan-population/ July 31,2016
GDP per capita (US$)	**1,460 US dollars**	http://www.worldometers.info/world-population/pakistan-population/ July 31,2016
Type of government	**federal republic**	http://www.state.gov/documents/organization/186685.pdf
Voice & accountability	**-.76/2.5 27th Percentile**[9]	http://info.worldbank.org/governance/wgi/index.aspx#home
Political stability	**-2.54/2.5 1st Percentile**	http://info.worldbank.org/governance/wgi/index.aspx#home
Government effectiveness	**-.66/2.5 27th Percentile**	http://info.worldbank.org/governance/wgi/index.aspx#home
Rule of law	**-.79/2.5 24th Percentile**	http://info.worldbank.org/governance/wgi/index.aspx#home
Control of corruption	**-.76/2.5 24th Percentile**	http://info.worldbank.org/governance/wgi/index.aspx#home

[9] Percentile rank indicates rank of a country among all countries in the world. 0 corresponds to lowest rank and 100 corresponds to highest rank

The World Bank reports that Pakistan being located at a strategic place, the crossroads of South Asia, Central Asia, China and the Middle East, has a huge development potential[10]. However, the country faces security challenges at the borders that impede its potential economic growth. Large-scale manufacturing and construction activity in the first half of 2016, owing to the launch of China Pakistan Economic Corridor (CPEC) infrastructure and energy projects, is likely to make up for the obstacles to the agricultural sector. Furthermore, a rise in automobile retail sales, increased port activity, and higher telecom profits promises financial stability[11]. In spite of these promising facts, Pakistan's indicators on the 2015 Human Development Index (HDI) are lower than its neighboring countries with low scores in education, gender inequality, poverty and health. Pakistan's overall ranking on HDI 2015 is 147 out of 188 countries. Its ranking is 121 out of 155 in gender inequality[12], 180 out of 221 countries in education[13] and 122 out of 191 countries in the world in health[14].

POLITICS AND SOCIETY

Pakistan, the world's second largest Muslim majority, has witnessed a fragile democracy and a constantly rising level of poverty since its inception in 1947. Military dictatorships, terrorism, sectarian violence, insurgency along the borders, "Talibanization" and repeated devastating floods have been the cause of general discontentment among the masses. Its development has been hampered by complex bureaucracy, non-transparent investment and widespread corruption[15].

Pakistan has a multiple political party system as there are 253 registered parties comprising left wing, right wing, secular, nationalist and liberal parties[16]. The political parties have not been able to evolve owing to repressive condition, repeated military coups and promotion of their own dynastical interests. Family based leaderships, caste based groups, local parochial, sectarian and constituency based patterns of politics are paramount in the country. Hence the political parties are not characterized by a strong structure and sound governance.

Human rights and freedom of speech, although guaranteed by Islamic Laws and the Constitution of Pakistan[17], are constantly breached. The civil society of Pakistan suffers at the hands of sectarian, ethnic, religious and linguistics splits.

Human rights are constantly being violated at the hands of pseudo religious groups. Protection to citizens including religious and ethnic minorities is not provided by the government. The country is ranked at 154/162 as per the Global Peace Index 2016 as being one of the most violent and unstable countries[18]. The parties in power have never been fully successful in controlling such mayhems. As reported by Human Rights Commission, 2013 Pakistan has the second highest number of out of school children aged five to nine, almost ten million children are engaged in child labor and the budget allocated to education was the 2nd lowest in South Asia[19] .

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18 Global Peace Index, 2016
19 State of Human Rights in 2013 http://www.hrcp-web.org/hrcpweb/report14/AR2013.pdf

Socio-economically, Pakistan is a struggling country facing lack of basic facilities and services like jobs, health and education. Unemployment rate in Pakistan decreased to 5.90 percent in 2015[20] which does not reflect the real picture as almost 80 % of the workforce is engaged in informal sector[21]. As reported, 0.02 % of Pakistan's total population holds almost 40% of Pakistan's total wealth. Hence, Pakistan faces a troubled economy resulting in low living standards and slow rate of growth. Such a lack of progress is because of the conflict between civil society and the government, social and infrastructural damage to exports and critical shortage of electricity and gas. The urban fabric of the country is supported by self-help organizations such as Edhi Foundation, Citizen's Police Liaison's Committee, Women Action Forum and Lawyers for Civil rights, etc. However, the rural areas have very little access to such self sustained organizations. Moreover, these organizations also need to be more developed and self-sufficient in order to cater to the need of a bigger population[22].

Ideally, the electoral process needs to be fair and transparent and the rule of law for socioeconomic progress should be upheld. This entails across the board accountability of all players which is imperative for good governance and strengthening political institutions. However, in reality, the vested interests of the political and ruling parties have not enabled the electoral system to be impartial. The last two elections of 2008 and 2013 have witnessed growing interest of the masses in democracy particularly of females and the youth. Also, the 2013 elections were relatively peaceful.

Considering the bleak scenario that the country currently has, majority of the citizens perceive that their economic condition has deteriorated and only a minority hopes that it will improve in near future. For most of them, the real big issues that the country faces like terrorism and security are not paramount as compared to the practical issues they face like unemployment, inflation and poverty. A recent survey, titled, Anxiety Index Study-Global Report 2013 reports Pakistan as the most anxious nation out of those assessed. 92% of Pakistan's citizens were reported to be very anxious about economic worries such as fuel prices. The said worries were the foremost whereas the increased security and terror threats were next in importance. Another survey has also reported traces of frustration, violence, anger, stress and mental problems in the masses[23].

The need for accountability is paramount in Pakistan not only for the masses but also for the public office-bearers and the service providers. The fact that social accountability in the country can serve as a catalyst to good governance was realized rather late by Pakistan[24]. Nevertheless, the concept was further supported in the last few years thanks to international donors, the civil society organizations and media that took the lead to apprise the public on the significance of good governance.

20 http://static.visionofhumanity.org/sites/default/files/GPI%202016%20Report_2.pdf?
21 http://www.tradingeconomics.com/pakistan/unemployment-rate
22 Bertelsmann Stiftung, BTI 2014 — Pakistan Country Report. Gütersloh: Bertelsmann Stiftung, 2014 http://www.bti-project.org/fileadmin/files/BTI/Downloads/Reports/2016/pdf/BTI_2016_Pakistan.pdf
23 The Express Tribune, Nine in every 10 Pakistanis are anxious: Survey, Published August 24, 2013, http://tribune.com.pk/story/594483/nine-in-every-10-pakistanis-are-anxious-survey
24 World Bank Institute (WBI), 2007, Report on Empowering the Marginalized: Case studies of Social Accountability Initiatives in Asia. Available at (http://siteresources.worldbank.org/EXTSOCACCDEMSIDEGOV/Resources/Empowering TheMarginalizedFinalVersion.pdf?resourceurlname=EmpoweringTheMarginalizedFin alVersion.pdf)

The challenges to promote social accountability in Pakistan are pretty much similar to those faced by other South Asian countries. One of the most prominent of these challenges is the resistance of the state itself to reform. For example, after the declaration of Right to Information Act through a Presidential Ordinance, a CSO was denied the information on the basis that it will lead to political unrest in the country. There have been other similar instances too when the access to information is denied by the State itself. Weak/ no Implementation of Right to Information Act is yet another impediment to social accountability. After 14 years of the promulgation of Right to Information Ordinance (October 2002) and the incorporation of Article 19-A into the Constitution regarding right to information being the basic and fundamental rights of the citizens across Pakistan, the matching mechanism is yet to be worked out that may ensure public offices' compliance to this new part of the Constitution. Another challenging impediment is centralized governance system.

LEVELS OF CORRUPTION

Since the time of inception when corruption was pointed out as a big menace, it has continued to remain a huge impediment for Pakistan in its way to growth and performance. A research conducted by Transparency International in 2010-2011 reported that the majority of the people of Pakistan perceive that the level of corruption has been on a constant rise. They further perceive the government as ineffective in terms of its control. Members of Parliament, the wealthiest citizens of the country, avoid paying taxes which has resulted in Pakistan having one of the "lowest tax-to GDP ratios" in the world[26]. Corruption is pervasive in all domains of Pakistan, from politics to private and corporate sector. Its history reflects governments being overthrown in the past owing to the charges of corruption. Unfortunately, the same governments came back to power and performed even worse with 30 to 40% increased level of perceived corruption[27]. The promulgation of National Reconciliation Ordinance (NRO) pushed back its efforts against corruption by protecting corrupt leaders. Even after the revocation of NRO, things did not change much. The succeeding corrupt governments of 2008 and 2013 strengthened people's lack of confidence in their integrity and hence ineffectiveness to control corruption[28]. In 2008, Pakistan's ranking in the Corruption Perception Index (CPI) was 134 out of 180 countries. Recently, in 2015-2016, its score has improved to 32 out of 100 and ranking to 116 out of 176 countries[29].

The leading anti-corruption agency in the country has not been able to achieve its desired objectives. Although the need for better mechanisms for governance has been pointed out, no such mechanisms are formulated. It is surprising that besides the presence of laws such as Pakistan Penal Code (PPC), the Prevention of Corruption Act, and the National Accountability Ordinance as well as institutional mechanisms like the constitutional office of the Auditor-General of Pakistan supported by Public Accounts Committee of the National Assembly, public procurement regulatory

25 Social Accountability in Pakistan: Challenges, Gaps, Opportunities and the Way Forward, Fayyaz Yaseen, May 2013, Working Paper Sustainable Development Policy Institute (SDPI). # 133 https://sdpi.org/publications/files/W-133.pdf
26 Transparency International, Daily Lives and Corruption: Public Opinion in South Asia, 2011
27 Transparency International Pakistan, National Corruption Perception Survey, 2006
28 Pakistan Institute of Legislative Development And Transparency PILDAT, Citizens Report 5 Years of the 13th National Assembly of Pakistan, March 17, 2008-March 16, 2013,
29 Transparency International, Corruption Perception Index 2016

authority, offices of the Federal and Provincial Ombudsmen, National Accountability Bureau (NAB), the Federal Investigating Agency (FIA) and Provincial Anti-Corruption establishments, the country suffers at the hands of a high degree of corruption.

The PILDAT survey conducted in 2015 reports citizens' mistrust in these mechanisms. Moreover, the survey further reports that the people do not consider corruption as a main issue of the society in the country since energy crisis, unemployment, poverty and other issues are perceived as huge. Selection and decisions on merit are substantially supported by the citizens but when it comes to their own vested interests, they tend to ignore merit. The country faces corruption not only at the individual but also at the institutional level. Institutions such as the police, tax administrations, and the subordinate judiciary contribute immensely to the dismal picture[30].

Table 2: Perception of Corruption in Three Global Indicators, 2015-2016

Indicators	Rank/Score
CPI 2016 (Transparency International)	Rank 116/176 Score 32/100
Control of Corruption (World Bank)	-0.76/2.5 24th Percentile
Irregular Payments and Bribes (World Economic Forum)	2.9/7 123 out of 144

What is encouraging is the recent freedom of both the electronic media and the social media that has become instrumental in revealing corruption. Furthermore, the Right to Information Laws being enacted by the Federation and the Provinces under the aegis of Article 19A of the constitution is yet another ray of hope[31].

The Corruption Perceptions Index (CPI) 2016, has ranked Pakistan 116/176 with a score of 32 out of 100. This is the highest ranking Pakistan has received since the inception of CPI 1995[32]. World Economic Forum's WEF Global Competitiveness Report (GCR) 2014-15 has ranked the country as the third least safe place in the world due to its security situation. Of the 144 nations surveyed in the report, Pakistan is ranked 142 out of 144 nations. The ranking has remained basically the same since last year. Other factors impeding competiveness besides security are insufficient infra-structure, political stability and inefficient government, inefficient labor market, technological readiness and lack of female participation in labor market[33].

30 Anti-Corruption Mechanisms and Institutions to Address the Problem of Corruption in Pakistan, Published: December 2015, http://www.pildat.org/Publications/publication/FP/Anti-Corruption_MechanismsandInstitutionstoAddresstheProblemofCorruptioninPakistan_BackgroundPaper.pdf
31 Anti-Corruption Mechanisms and Institutions to Address the Problem of Corruption in Pakistan, Published: December 2015, http://www.pildat.org/Publications/publication/FP
32 Transparency International, Corruption Perception Index 2016
33 The Global Competitiveness Report 2014–2015, http://www3.weforum.org/docs/WEF_GlobalCompetitivenessReport_2014-15.pdf

2. INSTITUTIONAL BACKGROUND AND PROFILE OF NATIONAL ACCOUNTABILITY BUREAU

Pakistan has been striving to combat corruption since its independence. Originally, corruption cases were handled under the Pakistan Penal Code, 1860 and the Prevention of Corruption Act, 1947 by its enforcement agency called the Special Police Establishment which was later replaced by the Federal Investigation Committee. Ehtesab (Accountability) Bureau, created under the Ehtesab Act 1997 was not successful in yielding the desired results and was replaced by National Accountability Bureau (NAB) after the military coup in 1999. NAB, the apex Anti-corruption Agency of Pakistan, was established with the promulgation of National Accountability Ordinance 1999[34].

NAB aims at elimination of corruption from the very fabric of the country. Its exclusive jurisdiction covers both public and private sector corruption including misappropriation of authority, cheating public at large, bank loan evasion, money laundering, unexplained assets, etc. It is empowered by NAO 1999 to identify, scrutinize and prosecute cases involving corrupt practices as well as to raise awareness of the masses on detrimental impact of corruption. Its jurisdiction encompasses the entire country. It operates through a head office in the capital and seven branches in the main cities of the country[35].

Since its foundation, NAB has recovered billions of rupees from corrupt individuals and institutions[36]. NAB conceived the idea of framing National Anti-Corruption Strategy (NACS) in 2002, after an elaborative consultation process. All stakeholders, including academia, business community, public sector and civil society were involved and participated in the formulation of the strategy[37]. Year of 2015 is titled as the "Year of transformation" for NAB as it introduced structural reforms under its Monitoring & Evaluation System[38]. NAB operates on a functional budget allocated by Ministry of Finance Pakistan. In year 2013, Rs. 2,165.983 million were allocated to NAB while in 2016, Rs.2,896.196 million have been allocated[39]. The budget over the years is given below:

Table 3: NAB's Budget

Year	Budget in Billion Rs
2013-14	2.166
2014-15	2.209
2015-16	2.896

34 Transparency International Pakistan, National Integrity System, Country Report 2014
35 National Accountability Bureau, Annual Report 2015 pp.23
36 Anti-Corruption Mechanisms and Institutions to Address the Problem of Corruption in Pakistan, Published: December 2015, http://www.pildat.org/Publications/publication/FP/Anti-
37 National Anti-Corruption Strategy (NACS), Islamabad, Pakistan 2002, pp. 2
38 Anti-Corruption Mechanisms and Institutions to Address the Problem of Corruption in Pakistan, Published: December 2015, http://www.pildat.org/Publications/publication/FP/Anti-
39 Interview with NAB Officials

Even though the budget is less than 0.10% of the country's budget, NAB finds the budget sufficient to carry out its activities.

NAB's strong and independent legal status gives it independence in terms of its functions, authority and jurisdiction. It overrides all other laws and its operation extends to the whole of Pakistan and applies to all persons, public or private. It is authorized to investigate complaints that include any act as offence and take immediate actions under the ordinance 1999 against anyone involved in the offence. NAB has its own policies and rules regarding recruitment and selection. The Chairman is authorized to determine the salaries, allowances and other terms and conditions of service of the officers and staff, with the approval of the president. Though formally independent, NAB has had its share of countering external pressures. NAB has been facing allegations of being a partisan agency used for political victimization by the government[40].

VISION[41]

The National Accountability Bureau envisions being a credible, effective, efficient and dynamic anti-corruption organization creating an enabling environment for a corrupt free society by engaging all stakeholders in its fight against corruption through a programe which is holistic, inclusive and progressive.

MISSION

- To eliminate corruption through a comprehensive approach encompassing enforcement, prosecution, awareness and prevention.
- To rejuvenate the government bodies, enhancing their capability for efficient stewardship of public resources
- To establish an anti-corruption legal framework, that provides a broad and solid mechanism across the board
- To increase awareness and prevent corruption in society through advocacy and education

MANDATE

NAB derives its legal mandate from National Accountability Ordinance, 1999 which authorizes the Bureau:

- To take cognizance of acts constituting offences of corruption and corrupt practices, eradication of corruption and corrupt practices and hold accountable accused persons and matters ancillary thereto.
- To provide effective measures for detection, investigation, prosecution and speedy disposal of cases involving corruption, corrupt practices, misuse of authority,

40 Transparency International, Pakistan National Integrity System, Country Report 2014
41 National Accountability Bureau, Annual Report 2015 pp.19

misappropriation of property, taking of kickbacks, commissions and for matter connected and ancillary or incidental thereto.

OBJECTIVES

■ Short Term: Setting in motion systemic improvements that will strengthen the national integrity system and the people against corruption.
■ Long Term: The elimination of corruption by engaging all the stakeholders in the fight against corruption, through a program, which is holistic, comprehensive and progressive[42].

NAB's management focuses on planning / realigning its systems in view of evolving challenges brought forth in the wake of new realities and expects perseverance and unflinching commitment from all ranks and cadres of the organization.

In the year 2015, NAB has successfully utilized advanced technologies in optimization of its manual procedures. Its Monitoring and Evaluation System (MES) provided much needed support to all tiers of supervisory management in discharge of their responsibilities. MES is an interactive online system developed to enhance the operational, monitoring and evaluation capabilities of the Bureau.

An Internal Accountability Mechanism (IAM) is now in place within NAB with a view to combat inefficiency, misconduct, malpractice and violation of laid down SOPs/Rules that are a threat to its credibility[43].

RESOURCES

The National Accountability Bureau is an independent federal executive bureau of the Government of Pakistan and as such enjoys wide financial autonomy. Financial authority of NAB lies with its Chairman, who is responsible for the expenditure incurred against the budget grant. Not only does NAB have budgetary resources, but it also has the authority to retain a certain percentage from the recoveries it makes under Voluntary Return (VR) and Plea Bargain (PB). The Chairman is empowered to determine the amounts of recovery from the accused under Voluntary Return and Plea Bargain[44].

Employees at NAB have sufficient expertise to carry out their regular duties. It has a Training & Evaluation Wing (T&E) which plans continuous training at national and foreign institutes. Curriculum of training is designed to meet the requirement of investigation of complicated white collar crime/ corruption and corrupt practices. Furthermore, experts from different areas are attached and made part of combined investigation team for opinion during investigation.

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42 Ibid pp.15
43 Ibid pp. 15
44 National Accountability Ordinance 1999

STRUCTURE [45]

Hierarchical Structure of NAB

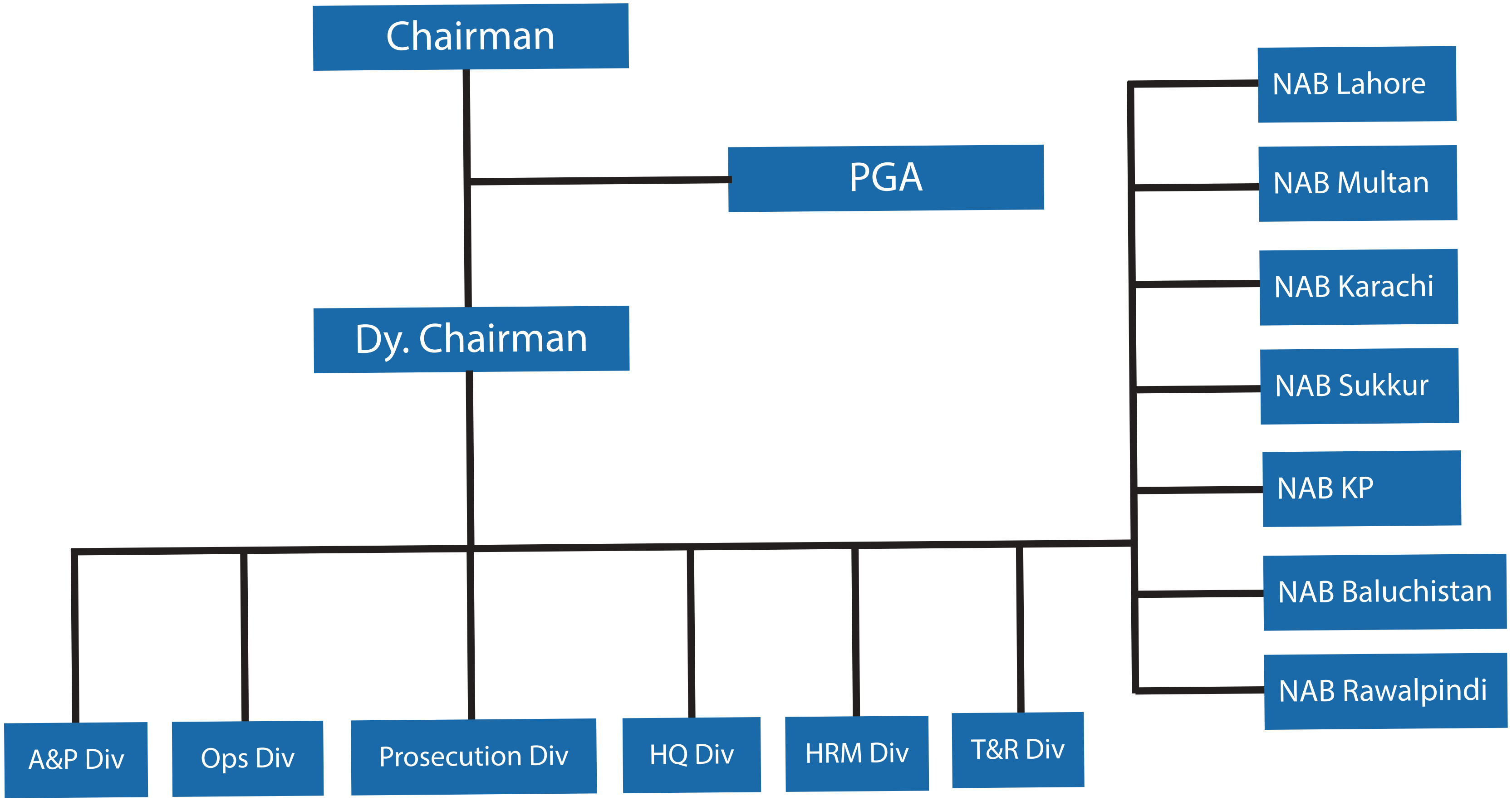
The bureau is headed by the Chairman. The Prosecutor General of Accountability (PGA) is another principal officer. Next in hierarchy is the Deputy Chairman. NAB's operations are spread over six divisions: Awareness & Prevention (A&P), Training & Research (T&R), Operations, Head Quarter (HQ), Prosecution and Human Resource Management (HRM).

Jurisdiction of NAB under NAO extends to the whole of Pakistan. At present, it is operating through the Headquarters at Islamabad and seven regional offices at Lahore, Karachi, Quetta, Peshawar, Rawalpindi, Multan and Sukkur respectively. Each regional office is headed by a Director General.

During the year 2015, 110 new officers were appointed in NAB after a transparent recruitment process. These officers underwent an extensive training program organized at Police Academy Sihala by the Training & Recruitment Division of NAB before joining the field formations of the Bureau.

45 NAB website

ORGANOGRAM OF NAB



PREVENTION, EDUCATION AND OUTREACH [46]

NAB organizes a wide range programs and activities under its Prevention, Education and Outreach wing to increase awareness about the detrimental effects of corruption and corrupt practices. Under section 33-C (a) and (b) of NAO, it is the duty of the Bureau to educate and advise public authorities, holders of public office and the community at large on measures to combat corruption and corrupt practices through media campaign and educational programs. NAB organizes activities such as seminars, workshops, lectures and other educational competitions for awareness against corruption.

Its prevention operations involve examination of the system and procedures of administration and stopping the corruption from happening through a mechanism of timely intervention which enables NAB to strengthen the regulatory mechanism of federal and provincial governments for transparency, meritocracy, fair play and compliance of relevant laws. The prevention operations include Public Project Evaluation as under the provisions of Section 33B, NAB has been entrusted with the responsibility to evaluate all mega contracts worth Rs.50 million or more.

Under the mandate of Section 33-C of NAO, Prevention Committees are constituted for reformation in the regulatory mechanism. The mandate is to look into the rules and regulations of provincial as well as federal departments and suggest doable recommendations in coordination with the concerned department. Director Generals (DGs) Conferences are held under the chairmanship of the Chairman to discuss performance of the Bureau and its Regional offices. Challenges faced by NAB, shift in focus and strategy, improvements in infrastructure & human resource matters, efforts in creating enabling environment for workforce, incentives and opportunities for personal & professional growth and endeavor to transform NAB into an effective organization, the strengthening of the national integrity system are the topics discussed at these conferences. Measures to engage all stakeholders in the fight against corruption are also finalized.

An extensive public outreach program is carried out each financial year that includes formulation of prevention plans at federal as well as provincial level, initiation of several corruption prevention initiatives and constitution of character building societies to enhance awareness through education.

During 2015, NAB's has also started extensive Awareness & Prevention Campaign to spread the message to general public about the nuisance of corruption. Under its hands-on approach, it has been engaging different Government and Non-Governmental Organizations and civil society in fight against corruption. NAB anticipates that joint efforts of all stakeholders will help to check corruption and corrupt practices. Awareness and Media campaign on "Say No to Corruption" is becoming more effective and popular. Its awareness campaign through TV & Radio Programs, Walks, Lectures, Seminars / Workshops, Advertisements in leading English & Urdu newspapers, Banners &

46 National Accountability Bureau, Annual Report 2015 pp 4 -116

Billboards, Newsletters, Essay Writing, Declamation, Poster and Painting Competitions at national level. NAB is extensively broadening the scope of its Prevention Operations to bring in greater transparency in governance and reduce the incidences of corruption.

International Anti-Corruption day is observed on 9th December every year all over the world. On this occasion, NAB has recently in collaboration with Asian Development Bank (ADB) organized a seminar on the topic "Say No to Corruption for Good Governance and Prosperous Pakistan". Director General Awareness and Prevention, NAB, visit different schools, institutions and universities of the country for delivering lectures on "Role of youth / students in prevention of corruption and Say No to Corruption and delivers talks on the impact of NAB's Anti-Corruption Awareness Campaign with special focus on female students (future mothers /wives).

Six Prevention Committees have been established at HQ level in 2015. The recommendations of three such committees i.e. Prevention Committee on Ministry of Religious Affair (MORA), Prevention Committee on Tax Evasion, and Health Affairs have been finalized while work on the remaining three is in full swing.

Awareness & Prevention Division has enforced Section 33-B of the National Accountability Ordinance (NAO), and under that enforcement, it has in its possession each and every detail of all mega and other projects undertaken by the Federal and Provincial governments. It is due to the Meeting of Prevention Committee on Health Affairs efforts of A&P Division that now majority of the Federal/Provincial offices are reporting their contracts and tender processes to the Bureau.

NAB's prevention & awareness initiatives are taken across the country through its sub offices and the above mentioned examples are only one of the many such ventures it takes up throughout the year[47].

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47 National Accountability Bureau, Annual Report 2015 pp 5-115

ACA PROFILE TABLE TEMPLATE

Jurisdiction Functions/ mandate/ powers	Public Sector				Non-government			
	Legislators	**Judiciary**	**Police, military, etc.**	**Other public service**	**Govt-owned corps**	**Public contractors**	**Charities/NGOs**	**All business/some business**
1. Research, intelligence, risk assessment & detection	Y	N	Police: Y Military: N	Y	Y	Y	Y	Y
2. Corruption investigation – in response to complaints	Y	N	Police: Y Military: N	Y	Y	Y	Y	Y
3. Corruption investigation – own motion powers	Y	N	Police: Y Military: N	Y	Y	Y	Y	Y
4. Prosecution powers	Y	N	Police: Y Military: N	Y	Y	Y	Y	Y
5. Asset recovery / confiscation / restitution powers	Y	N	Police: Y Military: N	Y	Y	Y	Y	Y
6. Prevention powers	Y	N	Police: Y Military: N	Y	Y	Y	Y	Y
7. Education and outreach power	Y	N	Police: Y Military: N	Y	Y	Y	Y	Y

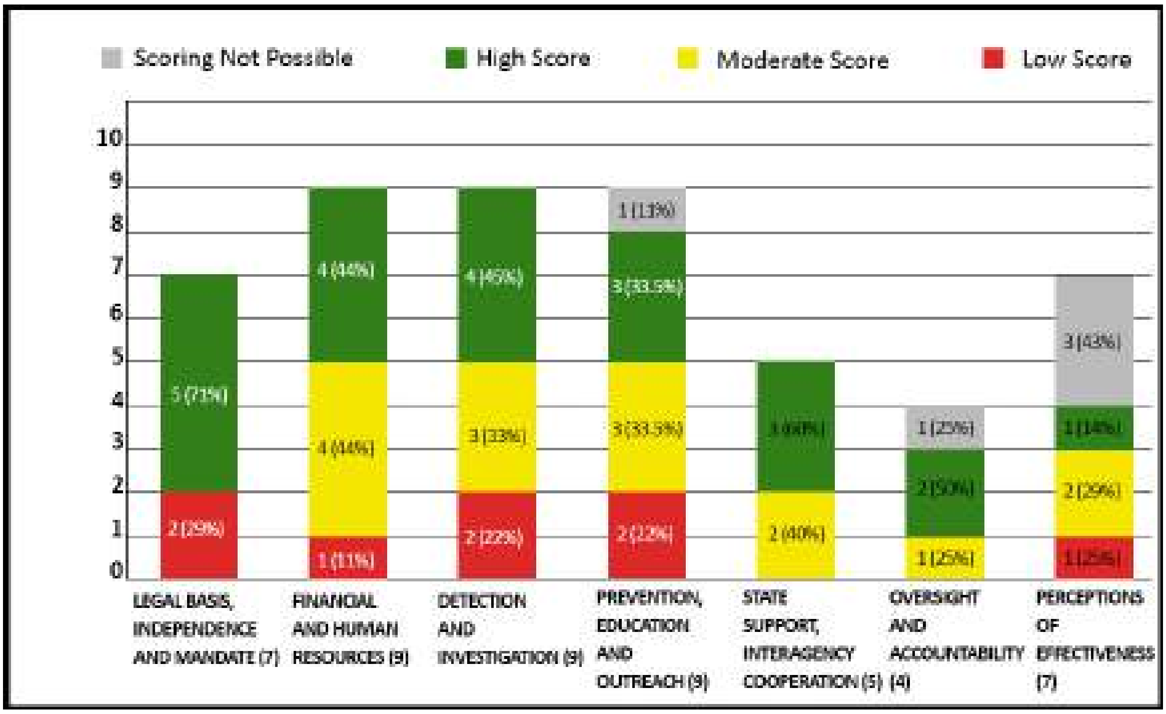
3. KEY FINDINGS

The main findings of the assessment are based on a set of 50 indicators divided into seven different dimensions (see above Table). These indicators are designed to assess the capacity and effectiveness of the ACA, and to identify gaps and areas of opportunity. Each indicator has been assigned one of three possible scores – high (3), moderate (2) and low (1), based on the level of standards set for each of the indicators. For a clear understanding of the dimensions as well as the overall score, it has been classified into three categories – 'high' for an overall score between 67% and 100%, 'moderate' for an overall score between 34% – 66%, and 'low' for an overall score between 0% - 33%.

In order to arrive at the aggregate score for each dimension, the scores were converted from the 1-3 scale to a 0-2 scale. Thus, all (1) scores become (0), all (2) scores become (1) and all (3) scores become (2). This was done because when aggregating the scores and converting them to percentages the bottom of the scale must always be 0. If we were to use the 1-3 scale then the lowest possible score for any dimension would be 33% (i.e. 1/3). Once the scores were converted from the 1-3 scale to the 0-2 scale, scores obtained by each of the indicators of a dimension were added up and then divided by total of maximum possible scores for all indicators under that dimension and then multiplied by 100. For example, the sum of the indicators under the first dimension (Legal basis, independence and mandate) was 10 (5 indicators received the maximum score of 2 and 2 indicators received the minimum score of 0). The maximum total possible score for that dimension is 14 (i.e. 7 indicators X the maximum possible score of 2 for each). Thus the final aggregate score (percentage) for that dimension was: 12/14 X 100 = 71.43%.

NAB has scored high in 49 per cent of the indicators assessed, moderate in 33 percent, and low in 18 per cent of the indicators assessed. The findings indicate that two dimensions emerge out to be strong in NAB's assessment: its Cooperation with other Organizations and Oversight and Accountability. NAB's Perceptions of Effectiveness is its weakest dimension scoring the lowest ranking.

Table 4: Scores by Indicators



Indicators Scored at High Level

1. NAB's Independence
2. Mandate
3. Legal Powers
4. Appointment of Commissioner
5. Removal of Commissioner
6. Budget Sufficiency
7. Staff Salary
8. NAB's Selection Criteria for Personnel
9. Staff Stability
10. Responsiveness to Corruption Complaints
11. Initiation of Complaints on its Own
12. Willingness to Investigate Influential Persons
13. Role in Restitution, Asset Recovery, Freezing and Confiscation
14. Budget for Prevention, Education and Outreach
15. Corruption Prevention Initiatives
16. Awareness Campaigns
17. Government Support for Prosecution of Corruption Cases
18. Cooperation with Other Agencies
19. International Participation
20. Information provided in and Accessibility of NAB's Annual Report
21. Outcome of complaints against NAB or its personal
22. Support from Government

Indicators Scoring at Moderate Level

1. Security and Stability of NAB's Budget
2. Expertise of NAB's Personnel in Investigation
3. Expertise of NAB's Personnel in Corruption Prevention and Education
4. Training of its Personnel
5. Number of Cases Investigated
6. Efficiency and Professionalism of Corruption Investigations
7. Average Conviction Rate of Corruption Cases Investigated
8. NAB's Plan for Prevention and Education
9. Collaboration with Other Stakeholders in Prevention, Education and Outreach Activities
10. Use of its Website and Social Media
11. Cooperation with CSOs and Private Sector
12. Collaboration with other countries' ACAs
13. Internal Complaints Procedure
14. Confidence in its Adherence to Due Process, Impartiality, and Fairness in Using its Powers
15. Confidence in NAB's effectiveness in corruption control

Indicators Scored at the Low Level

1. NAB's Operational Autonomy
2. Government's Reliance on NAB to Use Corruption as a Weapon against Political Opponents
3. Proportion of NAB's Budget to Total Government Budget
4. NAB's Accessibility to Corruption Complainants/Informants, including Public and Whistle- Blowers
5. Identification of Gender in Compiling Corruption Complaints and Monitoring Corruption Trends
6. System Reviews
7. Research
8. Confidence in NAB's Dignified and Respectful Treatment of Persons under Investigation

The indicators that could not be rated and the reasons for not being able to rate them are as follows:

The indicator for Frequency of including corruption prevention recommendations in NAB's investigation reports could not be rated as recommendations are not a part of NAB's investigations.

No external accountability mechanism exists to monitor NAB's actions; therefore, the indicator for NAB's oversight mechanism could not be rated.

In addition, three indicators in the dimension of public perception(public perception of adherence to due process, impartiality and fairness in its use of powers control among persons with direct contact with NAB, public perception of NAB's effectiveness in corruption control among persons with direct contact with NAB and its effectiveness in dealing with females who were in direct contact with NAB) could not be rated as the research team could meet only a few persons having direct contact with NAB. The sample was too small to generalize the response. Moreover, the views of the accused persons may be biased and may not reflect NAB's actual effectiveness.

Table 4 presents a summary of all indicators by dimension; Indicators which scored high are colored green, indicators which scored moderate are colored yellow and indicators scoring low are red. The indicators colored grey are not scored, because there was insufficient information to score them. The in-depth assessment of each score and its basis are presented in Table 5, which presents details of the sources and information justifying each score.

Scoring Key:

HIGH SCORE	Green
MODERATE SCORE	Yellow
LOW SCORE	Red
SCORING NOT POSSIBLE	Grey

Table 4 Assessment Summary: Indicators by Dimension (more detail provided in section 3)

Dimension									
LEGAL BASIS, INDEPENDENCE AND MANDATE (7)	Independence	Mandate	Legal powers	Appointment of Commissioners	Removal of Commissioners	Operational autonomy	Political use of power by Government		
FINANCIAL AND HUMAN RESOURCES (9)	Budget proportion of government budget	Budget sufficiency	Budget stability	Staff salary	Staff selection	Staff expertise (Investigation)	Staff expertise (prevention)	Staff Training	Staff stability
DETECTION AND INVESTIGATION (9)	Accessibility	Responsiveness	Willingness to initiate complaints	Cases Investigated	Efficiency & professionalism	Conviction rate	Investigation of influential persons	Restitution and asset recovery	Complainants by gender
PREVENTION, EDUCATION AND OUTREACH (9)	Budget allocation	Prevention initiatives	System/Agency reviews	Prevention recommendations	Outreach and education plans	Stakeholders engagement	Research on Corruption	By Campaigns	Dissention use of Website and social media
STATE SUPPORT, INTERAGENCY COOPERATION (5)	Government Support	Cooperation with other agencies	Cooperation With civil society and private sector	International participation	Collaboration with other countries' ACAs				
OVERSIGHT AND ACCOUNTABILITY (4)	Accessibility of Annual report	Oversight mechanism	Internal Complaints Procedure	Staff disciplinary or dismissal					
PERCEPTIONS OF EFFECTIVENESS (7)	Government giving adequate powers	Adherence to due process, impartiality, and fairness in use of power	Adherence to due process in use of power among those having direct contact	Confidence in dignified treatment of persons under investigation	Effectiveness in corruption control	Effectiveness in corruption control among persons with direct contact	Effectiveness in dealing with females in direct contact		

If we break down areas of opportunity by dimension, we find the following:

NAB's LEGAL BASIS, INDEPENDENCE AND MANDATE

NAB reflects its strength under the dimension of legal basis, independence and mandate. It is a legally independent unit under the aegis of the National Accountability Ordinance-1999 and its scope of work involves education, detection, investigation and prosecution of cases involving corrupt practices[48]. Its sole objective being eradication of corruption from society through an extensive strategy. It enjoys extensive powers to investigate, arrest and prosecute; examine suspect's bank accounts, safe deposit boxes, income tax records and property; search and entry of premises, etc[49].

The Chairman is appointed by the President with the mutual consent of Leader of the House and Leader of the Opposition. Appointment of the Chairman is rated high as s/he is appointed for a fixed term of four years and can only be removed on the grounds that necessitate removal of a judge of Supreme Court of the country[50].

The shortfalls in the first dimension are lack of freedom in practice due to political pressures. As per NAB's law, it is an autonomous and impartial organization. However, in practice, NAB is not free from political pressures. The relevant stakeholders consulted for the research shared that the political interference affects NAB's credibility in terms of its impartiality. There have been instances of influential persons not convicted. NAB is alleged of being a partisan agency used for political victimization by the government[51].

Furthermore, media reports reflect many instances where the political elite have repeatedly attempted to use NAB as a device to victimize opponents, and sanctify their own actions[52, 53, 54]. Discussion with relevant stakeholders also reported such political victimization by the government[55].

NAB'S FINANCIAL AND HUMAN RESOURCES

The major shortfall under the dimension of financial resources is the average proportion of NAB's budget to total government budget for past 3 years. A comparison of the said budgets reflects that the proportion of budget in the last three years has been below 0.10% of the country's total budget[56]. However, as per NAB's expectations and financial needs, the revenue is sufficient to carry out the activities as it also gets a percentage of the amount recovered from Voluntary Return and Plea Bargain. In addition, 100% of budget request is approved every year[57].

48 National Accountability Bureau available at http://www.nab.gov.pk/ Accesses on August 2, 2016
49 Transparency International, Pakistan National Integrity System, Country Report 2014, pp. 164
50 Ibid pp. 165
51 Ibid pp. 160
52 Nab Not Alone, FIA Doing Same Too: Zardari Tells Nawaz, http://www.suchtv.pk/pakistan/general/item/33682-nab-not-alone-fia-doing-same-too-zardari-tells-nawaz.html
53 Fearing accountability http://nation.com.pk/columns/21-Feb-2016/fearing-accountability
54 NAB refuses to become 'puppet' at Saad Rafique's hands in Lahore's Royal Palm case, sticks to its previous probe http://www.pakdestiny.com/nab-refuses-become-puppet-saad-rafiques-hands-lahores-royal-palm-case-sticks-previous-probe/
55 Focus Group Discussion
56 http://www.pkrevenue.com/category/budget-2015-16/Accessed on September 2, 2016
57 Interview of NAB Officials on August 20, 2016

Another area scored at the moderate level is security and stability of NAB's budget during past three years. Although NAB's budget has not been reduced except for one year, there is no formal guarantee of fiscal stability as there are uneven trends in budget grants in the past few years[58, 59].

All areas in human resources have been rated either high or moderate. NAB's selection criterion is rated as high as it follows a strict procedure laid out by its Recruitment & Selection Committee. At the initial stage, candidates are short listed from thousands of applicants. The salaries of NAB's personnel are competitive in terms of the market. Extra benefit in the form of hardship allowance and double salary as compared to similar positions in other government departments is admissible to NAB Employees[60].

NAB employees have sufficient expertise to carry out their duties. Its training wing engages them in continuous training. Ample training opportunities are provided to its personnel. An annual training plan was chalked out and implemented in 2015. Curriculum of training is designed to meet the requirement of investigation of complicated white collar crime/ corruption and corrupt practices. However, there is a need to train them in other areas such as asset recovery of proceeds stashed in offshore companies/foreign countries, public procurement, share trading and banking crime. At present, NAB has to acquire the said expertise from various other public organizations which are corrupt themselves[61]. Another strong area under human resources dimension is the low turnover and resignation rate which is about 5% per year[62].

NAB'S DETECTION AND INVESTIGATION FUNCTION

The major shortfall that appears in this dimension is the low number of complaints lodged as less than one percent complaints are lodged relative to population[63]. In addition, there is a sense of fear and experience of harassment among the general public when it comes to lodging a complaint with NAB. Past instances show that the complainants themselves have been accused of the offence. Perhaps this is the reason behind the low confidence of the general public in the effectiveness of NAB. The recommendations to counter this are outlined in the next section.

The number of cases under trial, cases pending convictions and acquittals are available at http://www.nab.gov.pk/Reference/CourtCasesData.pdf)

58 National Accountability Bureau Budget, Accessed on August 5, 2016, http://www.dawn.com/ ac
59 PIDLAT Report Score card: Federal Government of Pakistan: Assessment of the quality of Governance http://epaper.brecorder.com/
60 Interview of NAB Officials on August 20, 2016
61 Focus Group Discussion
62 Interview of NAB Officials on August 20, 2016
63 NAB Annual Report 2015 pp. 60

With regards to NAB's responsiveness to complaints, it is rated high based on the large number of complaints investigated in the last three years. It has intervened in and scrutinized several projects worth billions of rupees. Complaints are also initiated on the information provided to NAB by other individuals and organizations. NAB initiates complaints on its own as and when required. NAB is rated moderately in terms of number of cases investigated as between 300 to 800 cases annually have been investigated by NAB during past three years[64]. Moreover, the working of NAB in terms of efficiency and professionalism of corruption is rated as moderate. As per NAB's Standard Operating Procedure (SOP), timelines have been prescribed for efficient, effective and expeditious disposal of cases putting a maximum limit of 10 months- from complaint verification-to-inquiry-to-investigation and finally to a reference in the Accountability Court[65]. However, long delays on part of NAB in the processing of complaints and cases are a matter of concern.

Majority of the accused still go scot free. Recommendations to improve on this dimension are outlined in the next section.

NAB has levied charges against some high profile politicians and government officials and in certain cases recovered the embezzled money. A number of former high officials have been penalized over the years.

NAB takes cognizance of cases of corruption and corrupt practices of public office holders, bank defaulters, etc. who are influential persons having administrative and financial authorities[66]. However, no high profile politician has been prosecuted yet[67].

In addition, NAB's role in restitution, asset recovery, freezing and confiscation is rated high. As soon as a NAB inquiry is approved by the Chairman NAB to be converted into investigation, the property/assets involved in the corruption case are frozen until the case is finalized by the Accountability Court[68].

Special care is taken while handling the cases that involve accused females. The procedure is clearly defined in the criminal procedure code which is strictly adopted while investigating or during custody of accused females. However, NAB does not collect gender sensitive demographic information[69].

NAB'S PREVENTION, EDUCATION AND OUTREACH FUNCTIONS

Under the dimension of prevention, education and outreach, the strong areas rated as high are as follows:

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64 NAB Annual Report 2015 pp. 61
65 www.nab.gov.pk/PRESS/NEW.ASP?1259
66 http://www.nab.gov.pk/Downloads/Case_studies/noorulhaq.pdf
67 Masood Khan, Niaz A. Shah Kakakhel, Melvin J Dubnick, Prosecuting Corruption: The Case of Pakistan, Working Paper for the Ethics Forum held by the American Society for Public Administration, Portland, 26-27 March, 2004, http://unpan1.un.org/intra
68 Interview of NAB Officials on August 20, 2016
69 Ibid

10% of NAB's budget outlay is devoted to awareness and prevention which is rated as high[70]. An extensive public outreach program is carried out each financial year that includes formulation of prevention plans at federal as well as provincial level, initiation of several corruption prevention initiatives, and constitution of character building societies to enhance awareness through education and character building[71].

Other such examples are celebration of UN anti-corruption day, seminars, walks, academic competitions, media campaigns including radio TV and newspapers, documentaries, the slogan of "Say No to Corruption" on utility bills, Automated Teller Machines (ATMs), procurement advertisements and banners and standees put up at prominent places.

The level of NAB's collaboration with other stakeholders has been rated as moderate. It has held conferences in collaboration with academia, intelligentsia, NGOs and public. It is also collaborating with the provincial governments and PPRA for prevention[72].

The website shares press clippings and disseminates information about NAB's activities, inquiries, recoveries and cases (without dates). NAB's Annual report of only current year is available on the website and the reports of the previous years are removed[73]. NAB's Facebook page is not very active. There is a gap of two years in terms of posts[74]. Only a few independent research studies have been conducted by NAB. NAB chalks out a comprehensive s plan for prevention and education.

Only a few reviews of other government organization's procedural systems have been conducted and recommendations forwarded to those organizations[75]. Hence it is rated low. As the number of research studies conducted by NAB in the past three years are few. Therefore the indicator is rated low.

Recommendations are not a part of NAB's investigations[76]. Therefore, this indicator cannot be rated.

NAB'S COOPERATION WITH OTHER ORGANIZATIONS

NAB's Cooperation with other organizations is one of its strongest dimensions. In terms of Government support to NAB for prosecution of corruption cases, it is observed that the Prosecutor General of NAB is head of its Prosecution Division. He is assisted by the Team of Legal Experts & public prosecutors all over the country and has close coordination with Attorney General and Advocate General during prosecution of corruption cases, when question of law arises.

70 NAB Report 2014 pp. 83
71 Ibid pp. 83
72 Ibid pp. 75-115
73 http://www.nab.gov.pk/ Accessed on September 22, 2016
74 https://www.facebook.com/Nationalaccountabilitybureau/?fref=ts
75 Interview with NAB Officials on August 20, 2016
76 Ibid

As per Clause 19 of National Accountability Ordinance "the Chairman NAB may call for information from any person for the purpose of satisfying himself, require any person to produce or deliver any document or thing useful or relevant to the inquiry, examine any person acquainted with the facts and circumstances, require any bank or financial institution, notwithstanding anything contained in any other law for the time being in force, to provide any information relating to any person. In addition, NAB may seek the aid and assistance of any [Government] agency and the information so collected may be used as evidence in the trial[77]."

There are two anti-corruption agencies at federal level: One is National Accountability Bureau (NAB) and the other is Federal Investigation Agency (FIA). In addition, one anti-corruption establishment exists in each province. Chairman of NAB has the power to seek full and complete assistance from any department of the federal and provincial government and institution or department in the public sector or the private sector. The responsibility for inquiry into and investigation of an offence of corruption and corrupt practices shall rest on NAB to the exclusion of any other agency or authority, unless any such agency or authority is required to do so by the Chairman[78].

TI-Pakistan provides its input regarding corruption committed within the country. NAB collaborates with a wide range of international anti-corruption organizations and initiatives including United Nations Convention against Corruption (UNCAC), International Association of Anti-Corruption Authorities (IAACA), etc. It has also been cooperating with member countries with which Pakistan has mutual legal assistance treaties and extradition treaties.

NAB's OVERSIGHT AND ACCOUNTABILITY

NAB's Oversight and Accountability emerges out to be one of the strongest dimensions. NAB submits an annual report with comprehensive information on its work throughout the year to the President of Pakistan. The said report is easily accessible to the public and is also available on NAB's website[79].

No external accountability mechanism is present to monitor its actions. Therefore, the indicator could not be rated. There have been instances in the past when the higher courts have been exercising their supervisory jurisdiction and power of jurisdiction review whenever NAB has transgressed its limits[80].

However, NAB has devised a strong Internal Accountability Mechanism (IAM) to address the issue. A separate cell, Intelligence and Vigilance / Surveillance, has been established within the organization which continuously monitors the activities of employees. All complaints relating to corrupt practices by employees of NAB are monitored and investigated by this Cell.

77 National Accountability Ordinance 1999 www.nab.gov.pk/Downloads/nao.asp
78 Ibid
79 NAB Annual Report 2015 accessed at http://www.nab.gov.pk/
80 Transparency International, Pakistan National Integrity System, Country Report 2014, pp. 170

It is encouraging to note that NAB takes cognizance of cases of corrupt practice by its own employees under National Accountability Bureau Ordinance. Officers found involved in corrupt practices are immediately suspended and not allowed to continue work. An independent inquiry is conducted and if an employee is found guilty, reference is filed in the Accountability Court similar to any other person accused of corruption[81].

A particular instance in this respect is NAB's action against its own Chairman in a mega corruption scam in 2013. Furthermore, disciplinary proceedings were launched against at least 83 officers in the last three years and 60 out of those cases have been finalized along with 22 major penalties, 4 minor penalties and four exoneration. Outcomes of these complaints were publicized[82].

NAB's PERCEPTION OF EFFECTIVENESS

NAB's perception of effectiveness emerges out to be the weakest dimension. As compared to other anti-corruption organizations like Federal Investigation Agency and Provincial Anti-Corruption Departments, NAB is perceived to be more effective. However, several instances of irregularities have led to public's mistrust. NAB has not been able to put a real dent on the face of prevalent and pervasive corruption[83].

Corruption has become an inevitable part of Pakistan's environment and culture to an extent that the public has lost hope of getting justice. One can expect such mistrust in the country's institutions where the case against the Prime Minister did not lead to conviction. The public perceives that unless the issues in morality and ethics are addressed, there can be no improvement. In addition, the public believes that although NAB is given the necessary powers and resources, it is not exercising the given powers to produce results.

NAB's performance against corruption is reported as very poor in terms of its Standard Operating Procedures[84]. Following a former prime minister's criticism of the National Accountability Bureau (NAB), NAB itself regretted that it had "inherited some problems that hampered its investigation process"[85]. It is also reported that the statistics of the National Accountability Bureau (NAB) are not only pointing fingers at performance of the Bureau but are also pointing to its utility. A former Prime Minister claimed that after coming to power he would constitute a powerful department for accountability but his own disposition is being questioned at present[86].

Media reports record that NAB is closing cases worth billions of rupees under the so-called plea bargaining but on the other hand, it was filing frivolous cases against others[87]. Recently, media reports have highlighted that the Supreme Court of

81 Interview with NAB Officials on August 20, 2016
82 http://www.baaghi.tv/nab-launches-investigation-against-its-own-official/ May 17, 2016
83 Daniyal Aziz, Anticorruption and its Discontents, Prepared for presentation at OPMN conference: Innovations in Public Management for Controlling Corruption, 27-29 June, 2012, Honolulu, Hawaii
84 NAB performance http://www.dawn.com/news/1084777 published Feb 04, 2014

85 NAB 'falls in line' after PM's criticism http://www.dawn.com/news/1240296 published Feb 18, 2016
86 Statistics show NAB's poor performance https://www.thenews.com.pk/print/53790-statistics-show-nabs-poor-performance published July 30, 2015
87 NA SPEAKER HITS AT FILING REFERENCE AGAINST NAB OVER ITS POOR PERFORMANCE http://www.radio.gov.pk/12-Jul-2015/na-speaker-hits-at-filing-reference-against-nab-over-its-poor-performance published 12 Jul, 2015

Pakistan went as far as saying that the Bureau was actually "facilitating corruption in the country." It has also been observed that the National Accountability Bureau (NAB) is losing the trust of the masses with the passage of every second and has the worst condition of affairs[88]. Previously, the chief minister of a province and the chairman of a political party nudged the organization by terming its plea bargain move as a "fraud" and "shameful" respectively; others have condemned NAB's existence by calling it the remnants of a military dictator which was formed to facilitate his rule[89].

Major reason behind the poor disposal and institution of cases at the Accuntability courts, they say, is the lethargic attitude of investigators and officials of National Accountability Bureau, apart from the administrative constraints and dearth of senior judges at NAB courts[90]. Majority of the key stakeholders consulted for the research reported experiencing lax attitude on part of NAB's officers. Few of them also shared personal instances of display of such behavior by NAB[91].

The three indicators mentioning NAB's perception of effectiveness among persons who had been in close contact with NAB were not rated. The research team could meet only a few persons with direct contact with NAB. Therefore, the sample was too small to generalize the responses. In addition, the views of the accused persons may be biased and may not reflect NAB's actual effectiveness.

88 NAB losing public trust: SC https://www.thenews.com.pk/print/183490-NAB-losing-public-trust-SC?src=ilaw
89 Corrupt exchanges: understanding NAB's accountability of 'compromise'
Featured, http://www.pakistantoday.com.pk/2017/01/08/corrupt-exchanges-understanding-nabs-accountability-of-compromise/ published JANUARY 8, 2017
90 Performance of NAB courts far from satisfactory
February 03, 2015http://nation.com.pk/lahore/03-Feb-2015/performance-of-nab-courts-far-from-satisfactory

91 Focus Group Discussion on October 1, 2016

Table: 5 Detailed Indicators' Scores with Sources and Comments

1. NAB's Legal Independence and Status

	Indicator	Range of Scores			Score
		High (3)	Medium (2)	Low (1)	
1A	NAB's legal independence	Independent agency	Separate agency outside ministry	Within police or ministry	Established as an apex Anti-Corruption Agency of Pakistan formally recognized under United Nations Convention against Corruption (UNCAC), NAB is a legally independent body operating under the National Accountability Ordinance-1999. The legal set up gives NAB independence in terms of its functions, authority and jurisdiction. It overrides all other laws. It has its own policies regarding recruitment and selection. Source: NAB's Website: http://www.nab.gov.pk/ Transparency International, National Integrity System, Country Report 2014 pp. 164 National Accountability Ordinance 1999
1B	NAB's mandate	Focus on investigation, Education, prevention and prosecution	Primary focus on investigation	Education and prevention without Investigation	NAB's sole objective is eradication of corruption from society through an extensive strategy. Its mandate is broad and focuses on education, detection, investigation and prosecution of cases involving corrupt practices. Source: NAB's Website: http://www.nab.gov.pk/ Issues in Corruption and the Role of NAB, http://www.icac.org.hk/newsl/issue27eng/button6.htm NAB Annual Report 2015 pp. 19

1C	NAB's legal powers	Extensive powers (e.g., arrest and search of arrested persons; examining suspect's bank accounts, safe- deposit boxes, income tax records and property; search and entry of premises, etc.)	Some powers	Few or none	NAB has extensive powers to investigate arrest and prosecute; examining suspect's bank accounts, safe- deposit boxes, income tax records and property; search and entry of premises. There is no restriction or external supervision on NAB's functional powers and authority. The legal framework of NAB also provides for protection of witnesses. The financial control and authority of NAB lies with its Chairman. Source: Transparency International, Pakistan National Integrity System, Country Report 2014, pp. 159 & 164 Samad, S. (2008). Combating corruption: The case of the National Accountability Bureau, Pakistan, JOAAG, Vol. 3. No. 1 National Accountability Bureau: An Independent Review of Structure and Performance. http://www.pildat.org/Publications/publication/Democracy&LegStr/NationalAccountabilityBureauAnIndependentReviewofStructureandPerformance.pdf
1D	Appointment of NAB's Commissioner(s)	Independent committee using objective criteria and procedure is transparent	Ministerial committee using objective criteria but procedure is not transparent	Prime Minister/ President/ Head of State makes the decision and the procedure is not transparent	The Chairman is appointed by the President with the mutual consent of Leader of the House and Leader of the Opposition. As both the Government and the Opposition are involved in the selection, the nominee is deemed to be non-partisan. Source: Interview with NAB Officials National Accountability Ordinance 1999 Focus Group Discussion
1E	NAB's Commissioner(s)' term of office and removal	Fixed term with tenure (difficult to Remove Commissioners without cause, e.g. incompetence or proven misconduct)	Fixed term without tenure but not difficult to remove Commissioners	No fixed term and Commissioners can be replaced easily	The Chairman is appointed for a fixed term of four years and can only be removed on the grounds that necessitate removal of a judge of Supreme Court of the country. Source: Transparency International, Pakistan National Integrity System, Country Report 2014, pp.164 National Accountability Ordinance 1999

1F	NAB's operational autonomy and impartiality	High (no political interference)	Limited (some political interference)	Low (high level of political interference)	As per NAB's law, it is an autonomous and impartial organization. However, in practice, NAB is not free from political pressures. The relevant stakeholders consulted for this research shared that the political interference affects NAB's credibility in terms of its impartiality. Source: Transparency International, Pakistan National Integrity System, Country Report 2014, pp. 160 & 166 Focus Group Discussion Interviews with Stakeholders
1G	Government's reliance on NAB to use corruption as a weapon against political Opponents	Government has not used ACA as a weapon against political opponents	Evidence of limited use of ACA by government as a weapon against political opponents	Evidence of widespread use of ACA by government as a weapon against political opponents	NAB has been facing allegations of being a partisan agency used for political victimization by the government. The media reports reflect many instances where the political elite have repeatedly attempted to use NAB as a device to victimize opponents, and sanctify their own actions. Discussion with relevant stakeholders also reported such political victimization by the government. Source: Transparency International, Pakistan National Integrity System, Country Report 2014, pp. 160 Focus Group Discussion Media Reports http://www.suchtv.pk/pakistan/general/item/33682-nab-not-alone-fia-doing-same-too-zardari-tells-nawaz.html http://nation.com.pk/columns/21-Feb-2016/fearing-accountability http://www.pakdestiny.com/nab-refuses-become-puppet-saad-rafiques-hands-lahores-royal-palm-case-sticks-previous-probe/ Interviews with Stakeholders
Sub Total: 17					

2. Financial and Human Resources

	Indicator	Range of Scores			Justification of Score
		High (3)	Medium (2)	Low (1)	
2A	Average proportion of NAB's budget to total government budget for past 3 years	Above 0.20%	Between 0.10% to 0.20%	Below 0.10%	2013-14 : Rs. 2,165.983 Million against the country's budge: Rs3.945 trillion 2014-15 : Rs. 2,208.673 Million against the country's budge: 4.3 trillion 2015-16 : Rs. 2,896.196 Million against the country's budge: 4.4 trillion The proportion of budget in the last three years has been below 0.10% of the country's budget. Source: NAB Annual Report 2015 Interview with NAB Officials Interviews with Stakeholders
2 B	Sufficiency of NAB's budget for performing its functions	More than adequate (80% to 100% of budget request is approved)	Adequate (66% to 79% of budget request is approved)	Inadequate (less than 66% of budget request is approved) and relies on funding by CSOs and donor agencies	The revenue is sufficient to carry out the activities as NAB has the additional amount recovered from certain percentage of Voluntary Return and Plea Bargain. In addition, 100% of budget request is approved every year based on pre practices. Source: Interview with NAB Officials Transparency International, Pakistan, National Integrity System, Country Report 2014, pp. 162-163

2C	Security and stability of NAB's budget during past 3 years	NAB budget is guaranteed based on previous year's allocation and has not been reduced	NAB budget has not been reduced during past 3 years	NAB budget has been reduced during past three years	The budget allocated to NAB is as follows: 2013-14 : Rs. 2,165.983 Million 2014-15 : Rs. 2,208.673 Million 2015-16 : Rs. 2,896.196 Million There is no formal guarantee of fiscal stability as there are uneven trends in budget grants in the past few years. Source: http://www.dawn.com/Accessed on August 5, 2016 Transparency International, Pakistan National Integrity System, Country Report 2014, pp. 163 PIDLAT Report Score card: Federal Government of Pakistan: Assessment of the quality of Governance http://epaper.brecorder.com/
2D	NAB personnel's salary and benefits	Competitive salary and benefits	Adequate salary and benefits	Low salary and limited benefits	NAB's personnel salaries are adequate. Extra benefit in the form of hardship allowance and double salary, as compared to other government employees in the same cadre, is admissible to NAB Employees Source: Interview with NAB Officials Interviews with Stakeholders
2E	NAB's selection criteria for personnel	Meritocratic and transparent procedures	Limited meritocratic or transparent procedures	Patronage and non-transparent Procedures	NAB's recruitment is done through a Selection Board and Departmental Selection Committee. At the initial stage, candidates are shortlisted from thousands of applicants. NAB has outsourced initial screening process to National Testing Services (NTS). After that Psychological Test, interviews are conducted. Source: Interview with NAB Officials Transparency International, Pakistan National Integrity System, Country Report 2014, pp. 166

2F	Expertise of NAB's personnel in corruption investigation	High level of expertise	Lacking expertise in some areas	Lacking expertise in many areas	NAB employees have sufficient expertise to carry out their duties as revealed in the interviews with NAB personnel. However, there is a need to train them in other areas such as asset recovery of proceeds stashed in offshore companies/ foreign countries, public procurement, trading and banking crime. NAB has to acquire the said expertise from various other public organizations which are corrupt themselves. Source: Interview with NAB Officials Focus Group Discussion Strengthening NAB's financial crime wing, http://www.brecorder.com/pages/article/1214834/2015-08-07/strengthening-nabs-financial-crime-wing.html/Accessed October 14, 2016
2G	Expertise of NAB's personnel in corruption prevention and education	High level of expertise	Lacking expertise in some areas	Lacking expertise in many areas	Although NAB organizes a wide range programs and activities under its Prevention, Education and Outreach wing to increase awareness about the detrimental effects of corruption and corrupt practices, its personnel lack necessary expertise in strategizing its corruption prevention and education initiatives as reflected in its limited success in prevention of corruption. Source: Focus Group Discussion Interview with NAB Officials Interviews with Stakeholders

2H	Training of NAB's Personnel	Well-trained personnel with many training opportunities	Some trained personnel with limited training opportunities	Training is unimportant and neglected	NAB has set up a dedicated Training & Research Division in 2013. An annual training plan was also chalked out and implemented in 2015. After Induction NAB Officers go through 7 months Special Training Course regarding investigation of White Collar Crime to enhance investigation skills. Its training wing engages them in continuous training. Following domestic and international trainings are also imparted to NAB Officers to enhance their expertise and skills: - a. Forensic Sciences offered by Punjab Forensic Science Laboratory (PFSL) b. Crime and Intelligence Analysis and Money laundering offered by National Police Academy Islamabad. c. International Trainings offered by:- i. Malaysian Anti-Corruption Academy. ii. UNODC Curriculum of training is designed to meet the requirement of investigation of complicated white collar crime/ corruption and corrupt practices. Ample training opportunities are provided to NAB's personnel. However, training in asset recovery of proceeds stashed in offshore companies/foreign countries, public procurement, banking crime and share trading is needed to equip its personnel with the relevant skills. Source: NAB Annual Report 2015 pp. 137 Interview with NAB Officials
2I	Stability of NAB's personnel	Low turnover and resignation rate (0% to 5% per year)	Moderate turnover and resignation rate (more than 5% to 10% per year)	High turnover and resignation rate (more than 10% per year)	NAB has a very low turnover rate which is between 0-5%. Source: Interview with NAB Officials Interviews with Stakeholders
Sub Total: 21					

3. NAB's Detection and Investigation Function (9 indicators)

	Indicator	Range of Score			Justification of Scores
		High (3)	Medium (2)	Low (1)	
3A	NAB's accessibility to corruption complainants/informan, including public and whistle- blowers during past 3 years	NAB is highly accessible as reflected in the high proportion of corruption complaints received relative to population and perceived level of corruption, and proportion of complainants confident to identify themselves	NAB is accessible as reflected in the moderate proportion of corruption complaints received relative to population and perceived level of corruption, and proportion of complainants confident to identify themselves	NAB is inaccessible as reflected in low proportion of corruption complaints received relative to population and perceived level of corruption, and proportion of complainants confident to identify themselves	Number of Complaints Year 2013 20071 Year 2014 19997 Year 2015 29996 Total in 3 years 70064 Less than one percent complaints are lodged relative to population. There is a sense of fear and experience of harassment among the general public when it comes to lodging a complaint with NAB as the past instances show that the complainants themselves have been ordered to present themselves in the NAB office under threat of dire consequences. In some instances the complainant himself has been accused of the offence. Source: NAB Annual Report 2015 pp. 60 Focus Group Discussion Interview with Stakeholders
3B	NAB's responsiveness to corruption complaints during past 3 years	NAB is highly responsive as reflected in the high proportion of corruption complaints investigated and investigation cases completed during past 3 years	NAB is responsive as reflected in the moderate proportion of corruption complaints investigated and investigation cases completed during past 3 years	NAB is not responsive as reflected in the low proportion of corruption complaints investigated and investigation cases completed during past 3 years	NAB is highly responsive as reflected in the high proportion of complaints investigated in the last three years. Its automated system for the response of complaints works effectively. The complaints received in the past three years were 70064 and the complaints responded to were 68875 which is a high proportion. The breakup of the number of complaints responded into the three years is as follows: Year 2013 18892 Year 2014 19989 Year 2015 30004 Total in 3 years 68875
3C	NAB's willingness to initiate corruption investigations during past 3 years	High number of corruption investigations initiated by NAB	Moderate number of corruption investigations initiated by NAB	Low number of corruption investigations initiated by NAB	NAB initiates complaints on its own as and when required. Chairman NAB takes suo moto action in cases of corruption and corrupt practices as per the provisions in Article 22 of National Accountability Ordinance (NAO), 1999. Source: Interview with NAB Officials Interviews with Stakeholders National Accountability Ordinance (NAO), 1999

3D	Average number of cases investigated by the NAB per year during past 3 years	More than 1,000 corruption cases investigated by the NAB per year during the past three years	Between 300 to 999 corruption cases investigated by the NAB per year during the past three years	Less than 300 corruption cases investigated by the NAB per year during the past three years	The breakup of the cases investigated by NAB per year during past three years is as follows: Year 2013: 370 Year 2014: 467 Year 2015: 731 Source: NAB Annual Report 2015 pp. 60 Interview with NAB Officials
3E	Efficiency and professionalism of corruption investigations by NAB during past 3 years	Highly efficient and professional investigation of corruption cases	Efficient and professional investigation of corruption cases	Inefficient and unprofessional investigation of corruption cases	Each case at NAB is investigated by a combined Investigation Team comprising Supervisory Officer, Investigation Officer, Legal Consultant, Banking Expert and Revenue Expert. NAB has its own Forensic Science Laboratory to meet High Standard of Investigations. As per NAB's Standard Operating Procedure (SOP), timelines have been prescribed for efficient, effective and expeditious disposal of cases putting a maximum limit of 10 months- from complaint verification-to-inquiry-to-investigation and finally to a reference in the Accountability Court. However, long delays on part of NAB in the processing of complaints and cases are observed as a matter of concern. More professionalism needs to be exhibited by NAB's staff as the key stakeholders reported experiencing lax attitude on NAB's part. Furthermore, it was shared that all complainants were made to wait for several hours in one room only which should not be the practice to ensure confidentiality and privacy. Source: NAB Annual Report 2015 pp.130-138 Focus Group Interviews Interview with NAB Officials Media Reports NAB fails to meet SC deadline for completing probe into major cases http://www.dawn.com/news/1251523

3F	Average conviction rate of corruption cases investigated by NAB in past 3 years	Above 75%	Between 50% to 75%	Below 50%	NAB shared that the accumulative conviction rate (that includes conviction up to Supreme Court) for Years 2014, 2015 and 2016 is 61%, 68% and 76%, respectively. Source: Interview with NAB' s officials
3G	NAB's willingness to investigate influential persons for corruption without fear or favor during past 3 years	Considerable evidence of investigation of influential persons for corruption	Some evidence of investigation of influential persons for corruption	No evidence of investigation of influential persons for corruption	NAB has levied charges against high level politicians and government officials and in certain cases recovered the embezzled money. A number of former high officials have been penalized over the years. Recently, a public officer has been sentenced to 5 years of rigorous imprisonment (R.I) with a fine of Rs. 17.086 million which is to be paid within a period of one month failing which his assets shall stand forfeited to the state However, though there were allegations of corruption against high profile politicians in the past but none has been prosecuted yet. NAB takes cognizance of cases of corruption and corrupt practices of public office holders, bank defaulters, etc. who are influential persons having administrative and financial authorities. It has investigated cases against high officials such as the Prime Minister, President, Chief Ministers, etc. Source http://www.nab.gov.pk/Downloads/Case_studies/noorulhaq.pdf Interview with NAB Officials

3H	NAB's role in restitution, asset recovery, freezing and confiscation during past 3 years	Very active role by NAB	Moderately active role by NAB	Inactive role by NAB	During the past 3 years,195 cases involving 866 persons accused for corrupt practices, have been finalized for recovery / reimbursement of looted money by the corrupt officials / officers in connivance with accomplices. Out of the amount of Rs. 19472.54 millions, agreed between the guilty and NAB, the recovered amount is Rs. 5272.447 million. In addition, NAB's role in restitution, asset recovery, freezing and confiscation is rated high. As soon as a NAB inquiry is approved by the Chairman NAB to be converted into investigation, the property/assets involved in the corruption case are frozen until the case is finalized by the Accountability Court. Source: Interview with NAB Officials
3I	Does NAB identify gender in compiling corruption complaints and monitoring corruption trends?	NAB has gender sensitive demographic information that allows it to monitor how corruption and its services affect women differently	NAB has gender sensitive demographic information that could allow it to monitor how corruption and its services affect women differently, but it does not actively monitor these differences.	NAB does not collect gender sensitive demographic information.	NAB takes cognizance of corruption and corrupt practices without any discrimination of gender. Special care is taken while handling cases involving females accused. The procedure is clearly defined in the criminal procedure code and is strictly adopted while investigating or during custody of female accused. However, NAB does not collect gender sensitive demographic information. Source: Interview with NAB Officials
Sub Total: 20					

4. NAB's Prevention, Education and Outreach Functions (9 indicators)

	Indicator	Range of Scores			Justification for Score
		High (3)	Medium (2)	Low (1)	
4A	Average proportion of NAB's operating expenditure allocated to public outreach and prevention during past 3 years	Above 1% of NAB's operating expenditure	Between 0.5% and 1% of NAB's operating expenditure	Below 0.5% of NAB's operating expenditure	Awareness and Prevention is allocated about 10% of NAB's budget outlay. An extensive public outreach program is carried out each financial year. Source: Interview with NAB Officials
4B	NAB's corruption prevention initiatives during past 3 years	Many corruption prevention initiatives (average of 3 or more per year)	Some corruption prevention initiatives (average of 1-2 per year)	NAB initiated few or no corruption prevention initiatives	Following corruption prevention initiatives have been taken by NAB at Federal and Provincial Level •Formulation of Prevention Committees: 26 prevention Committees have been constituted at Federal as well as Provincial Level. •Monitoring of Tender Advertisements. •Character Building Societies. Constitution of character building societies to enhance awareness through education and character building with educational institutions such as University of Engineering Technology, Lahore, Alhamra Arts Council, Lahore, Lahore University of Management Sciences. etc. • Printing of Message " Say no to Corruption" • Implementation of National Anti-Corruption Strategy In support of the NACS recommendations, TI, Pakistan had designed a Contract Evaluation Form, for the Implementation of the Public Procurement Rules 2004 in all the Federal Government Procuring Agencies. This form is to be submitted to NAB by all public procuring agencies for all tenders worth Rs. 50 million and above. Source: NAB Annual Report 2015 pp. 73-116 NAB Contract Evaluation Form, http://transparency.org.pk/documents/NAB%20Evaluation%20Report%20Fo

4C	Number of reviews of organizational procedures, systems & capabilities conducted by NAB to prevent corruption during past 3 years	Many reviews were conducted (relative to no. of organizations in jurisdiction)	A substantial number of reviews were conducted (relative to no. of organizations in jurisdiction)	Few or no reviews were conducted (relative to no. of organizations in jurisdiction)	Reviews of 11 organization's procedural systems have been conducted and recommendations have been forwarded to concerned departments, including Capital Development Authority (CDA, Chief Commissioner Office (ICT), Federal Board of Revenue regarding tax evasion, Ministry of Religious Affairs, reformation in pharmaceutical evaluation and registration division – Drug Regulatory Authority of Pakistan. Source: Interview with NAB Officials
4D	Frequency of including corruption prevention recommendations in NAB's investigation reports during past 3 years	Frequently	Sometimes	Not at all	Recommendations are not a part of NAB's investigation reports. Therefore, this indicator cannot be rated. Source: Interview with NAB Officials
4E	NAB's plan for prevention, education and outreach and its implementation	Comprehensive and clear plan which is implemented and accessible	The plan for prevention, education and outreach exists but not implemented fully	There is no or a weak plan for prevention, education and outreach activities	NAB develops a comprehensive plan for Awareness & Prevention each year. However, the plan is not always implemented fully. Only the plan for year 2016 was shared. Source: Interview with NAB Officials

4F	NAB's collaboration with other stakeholders in prevention, education and outreach activities	High degree of collaboration with three or more joint projects	Some degree of collaboration with one or two joint projects	Little or no collaboration with other stakeholders	NAB collaborates with other stakeholders. It is also collaborating with the provincial governments and PPRA for prevention. In addition, a comic story book "Gogi Says NO to Corruption" has been published in collaboration with Asian Development Bank. However, NAB has worked on a few substantial joint projects in prevention, education and outreach activities including putting up the slogan of Say No to Corruption on utility bills, ATMs, banners and standees. Source: Interview with NAB Officials NAB Annual Report 2015 pp.75-115
4G	NAB's research and exploration of corruption risks, context and conditions	Extensive use of research, to develop risk assessments and sectoral corruption profiles	Some degree of research to develop risk assessments and sectoral corruption profiles	Little or no discernible independent research carried out by the NAB	Only a few independent research studies have been conducted by NAB. NAB Karachi has completed two prevention studies under 33C of NAO 1999. Source: Interview with NAB Officials
4H	NAB's dissemination of corruption prevention information and use of campaigns	Extensive dissemination of corruption prevention and reliance on campaigns	Limited dissemination of corruption prevention information and reliance on campaigns	Does not disseminate corruption prevention information or rely on campaigns	There has been an extensive dissemination of corruption prevention and reliance on campaigns on part of NAB. Numerous initiatives have been taken such as Character Building Societies are formed across the country in educational institutions. Anti-corruption days and weeks are celebrated. Other such examples are seminars, walks, academic competitions, media campaigns including radio TV and newspapers, documentaries, the slogan of Say No to Corruption on utility bills, ATMs, banners and standees. Source: NAB Annual Report 2015 pp.75-115 National Accountability Bureau: An Independent Review of Structure and Performance.http://www.pildat.org/Publications/publication/Democracy&LegStr/NationalAccountabilityBureauAnIndependentReviewofStructureandPerformance.pdf

4I	NAB's use of its website and social media for disseminating information on corruption prevention	Extensive use of its website and social media to spread corruption prevention information	Limited use of its website and social media to spread corruption prevention information	ACA does not have a website and does not rely on social media to spread corruption prevention information	NAB's website shares press clippings, dissemination activities, inquiries, recoveries and cases (without dates) Annual report of only current year is available on the website and reports of the previous years are removed. Facebook page of NAB is there but not very active. There is a gap of two years between of posts Source: NAB's Website http://www.nab.gov.pk/ NAB's Facebook Page: https://www.facebook.com/Nationalaccountabilitybureau/?fref=ts Interview with Stakeholders
Sub Total: 17					

5 NAB's Cooperation with other Organizations (5 indicators)

	Indicator	Range of Scores			Justification of Score
		High (3)	Medium (2)	Low (1)	
5A	Government support (e.g. Attorney-General's Office, Director of Public Prosecutions) to NAB for prosecution of corruption cases	High level of support as reflected in absence of interference and average prosecution rate of above 75%	Moderate level of support as reflected in some interference and average prosecution rate of 50% to 75%	Low level of support as reflected in substantial interference and average prosecution rate of below 50%	Prosecutor General of NAB is head of Prosecution Division that is assisted by the Team of Legal experts & prosecutors all over the country. The Prosecutor General NAB has close coordination with Attorney General and Advocate General during prosecution of corruption cases when question of law arises. As per Clause 19 of National Accountability Ordinance the Chairman NAB may call for information from any person for the purpose of satisfying himself, require any person to produce or deliver any document or thing useful or relevant to the inquiry, examine any person acquainted with the facts and circumstances, require any bank or financial institution, notwithstanding anything contained in any other law for the time being in force, to provide any information relating to any person. In addition, NAB may seek the aid and assistance of any [Government] agency and the information so collected may be used as evidence in the trial. Source: Focus Group discussion Interview with NAB Officials National Accountability Ordinance 1999, www.nab.gov.pk/Downloads/nao.asp Samad (2008). Combating corruption: The case of the National Accountability Bureau, Pakistan, JOAAG, Vol. 3. No. 1

5B	Cooperation between NAB and other integrity agencies (including other ACAs if there are multiple ACAs in country)	High degree of cooperation between NAB and other integrity agencies	Limited cooperation between NAB and other integrity agencies	Conflict and/or lack of cooperation between NAB and other integrity agencies	NAB is the focal agency for coordination of work of all ACAs in the country. There are two anti-corruption agencies at Federal Level namely National Accountability Bureau and Federal Investigation Agency. A Provincial Anti-Corruption Establishment exists in each province. Chairman NAB has the power to seek full and complete assistance from any Department of the Federal and Provincial Government and institution or department in the public sector or the private sector. The responsibility for inquiry into and investigation of an offence of corruption and corrupt practices rests solely on NAB to the exclusion of any other agency or authority, unless any such agency or authority is required to do so by the Chairman NAB. Hence all other integrity agencies have excellent cooperation with NAB. Source: Interview with NAB Officials
5C	Cooperation between NAB and non- government organizations including CSOs and private companies	High degree of cooperation between NAB and other organizations including CSOs and private companies	Limited cooperation between NAB and other organizations	Conflict and/or lack of cooperation between NAB and other organizations	NAB collaborates with a limited number of CSOs. NAB has a working relationship with TI Pakistan for input regarding corruption committed within the country. Further, NAB may during the course of an inquiry of an offence under NAB Ordinance call for information from any person, from any department in the private sector, banks or financial institution to provide any information relating to any person whosoever, including copies of entries made in a bank's or a financial institution's books such as ledgers, day books, cash books and all other books including record of information and transactions saved in electronic or digital form, and the keepers of such books or records shall be obliged to certify the copies. Source: Interview with NAB Officials Interviews with Stakeholders

5D	NAB's participation in international networks	Very active with NAB participating in 3 or more networks	Active with NAB participating in 1 or 2 networks	NAB does not participate in any Network	NAB's participation in the International Anti-Corruption Organization and initiatives is as under: a. United Nations Convention against Corruption (UNCAC) b. International Association of Anti-Corruption Authorities (IANAB) c. ADB-OECD Anti-Corruption Initiative for Asia Pacific. d. Asia Pacific Group on Money Laundering (APG) e. OIC Anti-Corruption and Enhancing Integrity Forum (ACEIF) f. International Anti-Corruption Conference (IACC) g. Global Forum on Fighting Corruption and safeguarding Integrity. h. International Anti-Corruption Academy (INAB) Austria. I. ECO Regional Centre for Cooperation of Anti-Corruption Agencies and Ombudsmen (RCCACO) Source: Interview with NAB Officials Media Report: https://www.thenews.com.pk/print/59330-uncac-team-to-visit-pakistan-next-month NAB Press Release: http://www.nab.gov.pk/PRESS/NEW.ASP?1073
5E	NAB's cooperation with ACAs in other countries	High degree of cooperation with joint projects and technical assistance with several ACAs in other countries	Limited cooperation in some areas with one or two ACAs in other countries	No cooperation between NAB and ACAs in other countries	NAB has been cooperating with member countries that have mutual legal assistance and extradition treaties with Pakistan. MOUs are being signed with China and Malaysia after Cabinet approval. In addition, it is collaborating with SAARC countries at regional level and United Nations Office on Drugs and Crime (UNODC) in their efforts in combating corruption. The first ever two-day seminar on Anti-Corruption for SAARC ACAs was conducted in September 2016 in Islamabad. At the seminar, NAB proposed the formation of an initiative, SAARC Anti-Corruption Forum. The proposal was accepted by the other countries. NAB's Chairman was nominated as the first Chairman of the SAARC forum. Source: Interview with NAB Officials News Report: http://ppinewsagency.com/saarc-countries-agreed-on-saarc-anti-corruption-forum-chairman-nab/
Sub Total: 13					

6. NAB’s Accountability and Oversight (4 indicators)

	Indicator	Range of Scores			Justification of Score
		High (3)	Medium (2)	Low (1)	
6A	Information provided in and accessibility of NAB’s annual report and website	Comprehensive information on NAB is provided in annual report and website; submitted to Parliament and easily accessible to the public	Limited information on NAB is provided in annual report and website; submitted to Parliament but not easily accessible to the public	Submits annual report to government but is not available to the public	Comprehensive information on NAB is provided in its annual report and website; submitted to the President and easily accessible to the public. Source: NAB Annual Report 2015 NAB’s website, http://www.nab.gov.pk/ Interview with Stakeholders
6B	NAB’s oversight Mechanism	Oversight committees with active participation by Members of Parliament, senior civil servants and prominent citizens	Oversight committees with Members of Parliament and/or senior civil servants as members	Accountable to Executive without any oversight committee	The indicator cannot be rated as no external accountability mechanism exists to monitor its actions. But the higher courts have been exercising their supervisory jurisdiction and power of jurisdiction review whenever NAB transgresses its limits. Source: Transparency International, Pakistan National Integrity System, Country Report 2014, pp. 170

6C	NAB's procedure for dealing with complaints against NAB personnel	Complaints against NAB personnel are investigated by another public agency to avoid conflict of interest and results of investigation and punishment imposed are publicized	Complaints against NAB personnel are investigated by its internal control unit but results of investigation and punishment are not publicized	Complaints against NAB personnel are ignored and/or not investigated without any explanation	NAB has devised a strong Internal Accountability Mechanism (IAM). A Separate cell, Intelligence and Vigilance / Surveillance has been established within the organization which continuously monitors the activities of employees. All complaints relating to corrupt practices by employees of NAB are monitored and investigated by this Cell. NAB takes cognizance of cases of corrupt practice by its own employees under NAB Ordinance. Officers found involved in corrupt practices are immediately suspended and not allowed to work anymore. Independent inquiry is conducted and if an employee is found guilty, reference is filed in the Accountability Court like any other person accused of corruption. NAB has filed a reference with the accountability court of Islamabad against its three former personnel, including two former directors general on the charge of misusing authority in a land dispute case involving billions of rupees. There is a code of conduct which makes it obligatory on its employees to be highly ethical and strive for excellence in performance of their duties. Interview with NAB Officials Source: Media Report: https://www.dawn.com/news/1249471/reference-filed-against-three-ex-nab-officers Accessed October 10, 2016 Code of Conduct and Ethics',http://www.nab.gov.pk/Downloads/Code_of_Conduct.asp
6D	Outcomes of complaints against NAB or its personnel in past 3 years	All valid complaints against NAB personnel result in punishment or other remedies, and outcomes publicized	Some valid complaints against NAB personnel result in punishment or other remedies, and outcome is publicized	Complaints involving NAB personnel are ignored and not investigated at all	In 2013, NAB took action against its current Chairman in NICL mega corruption scam. Disciplinary proceedings were launched against at least 83 officers in the last three years and 60 out of those cases have been finalized along with 22 major penalties, 34 minor penalties and four exoneration. Outcomes of these complaints are publicized Source: Transparency International, Pakistan National Integrity System, Country Report 2014, pp. 160 http://www.baaghi.tv/nab-launches-investigation-against-its-own-official/May 17, 2016 Interview with NAB Officials Code of Conduct and Ethics http://transparency.org.pk/documents/nis14.pdf Page No. 172 NIS Report
Sub Total: 8					

7. Public Perceptions of the NAB's Performance (7 indicators)

	Indicator	Range of Scores			Justification for Scores
		High (3)	Medium (2)	Low (1)	
7A	Public confidence that government has given NAB the required powers and resources for curbing corruption	High level of confidence as reflected in survey finding (above 75%) and views of NAB senior personnel, CSO leaders, anti-corruption experts and journalists	Moderate level of confidence as reflected in survey finding (50%-75%) and views of NAB senior personnel, CSO leaders, anti-corruption experts and journalists	Low level of confidence as reflected in survey finding (below 50%) and views of NAB senior personnel, CSO leaders, anti- corruption experts and journalists	The public believes that NAB has been given necessary powers. However, it is perceived that NAB is not exercising these powers fully. NAB is an independent federal executive agency of the Government of Pakistan and as such enjoys wide financial autonomy. Financial authority of NAB lies with its Chairman, who is responsible for the expenditure incurred against the budget grant. In addition, there is no restriction or external supervision on NAB's functional powers and authority. Sources: Focus Group Discussion National Integrity System, Country Report 2014, Transparency International-Pakistan pp. 162&163
7B	Public confidence in NAB's adherence to due process, impartiality, and fairness in using its powers	High level of confidence as reflected in survey finding (above 75%) and views of NAB senior personnel, CSO leaders, anti-corruption experts and journalists	Moderate level of confidence as reflected in survey finding (50%-75%) and views of NAB senior personnel, CSO leaders, anti-corruption experts and journalists	Low level of confidence as reflected in survey finding (below 50%) and views of NAB senior personnel, CSO leaders, anti-corruption experts and journalists	As compared to other anti-corruption establishments in the country NAB was perceived better in terms of adherence to due process, impartiality, and fairness in using its powers by the key stakeholders consulted for the research. However, they shared several instances of irregularities in NAB's processes which made them perceive NAB as unfair in its use of powers. Source: Focus Group Discussion Interview with stakeholders

7C	Confidence in NAB’s adherence to due process, impartiality, and fairness in using its powers, among persons who had direct contact with NAB	High level of confidence as reflected in survey finding (above 75%) and views of NAB senior personnel, CSO leaders, journalists and, if possible, persons with direct contact with NAB	Moderate level of confidence as reflected in survey finding (50%-75%) and views of NAB senior personnel, CSO leaders, journalists and, if possible, persons with direct contact with NAB	Low level of confidence as reflected in survey finding (below 50%) with direct contact with NAB	The research team could meet only a few persons with direct contact with NAB. Therefore, the sample was too small to generalize the responses. In addition, the views of the accused persons may be biased and may not reflect NAB’s actual effectiveness. Hence the indicator is not rated.
7D	Confidence in NAB's dignified and respectful treatment of persons under investigation	High level of confidence as reflected in the views of NAB senior personnel, CSO leaders, journalists and persons subject to investigation, if possible	Moderate level of confidence as reflected in views of NAB senior personnel, CSO leaders, journalists and persons subject to investigation, if possible	Low level of confidence as reflected in views of NAB senior personnel, CSO leaders, journalists and persons subject to investigation, if possible	More professionalism needs to be exhibited by NAB’s staff. It has been reported by several key stakeholders, consulted for the research, that NAB officials displayed lax and unprofessional attitude on their visit to NAB’s office. Furthermore, it was shared that all persons called were made to wait in one room only, a practice not conducive to ensuring confidentiality and privacy. NAB’s notices, requesting people called for presenting evidence in cases under investigation, state: “You are informed that failing to comply with the notice may entail penal consequences as provided in S.2 of the schedule of NAO, 1999.” Source: Focus Group Discussion Interviews with stakeholders

7E	Public perception of NAB's effectiveness in corruption control	High level of effectiveness as reflected in survey finding (above 75%) and views of CSO leaders, anti-corruption experts and journalists	Moderate level of effectiveness as reflected in survey finding (50%-75%) and views of CSO leaders, anti-corruption experts and journalists	Low level of effectiveness as reflected in survey finding (below 50%) and views of CSO leaders, anti-corruption experts and journalists	As per TI Pakistan's National Corruption Perception Survey, 2010, NAB is perceived as more effective in its role as compared to other ACAs. The perception of the key stakeholders consulted for the research also considered NAB more effective. However, the some of the stake holders were of the view that NAB has been given authority and power by law but in practice, these powers are not fully utilized. Source: Focus Group Discussion Interviews with Stakeholders
7F	Perception of NAB's effectiveness in corruption control among persons with direct contact with NAB	High level of effectiveness as reflected in survey finding (above 75%) and views of CSO leaders, anti-corruption experts, journalists and persons with direct contact with NAB, if possible	Moderate level of effectiveness as reflected in survey finding (50%-75%) and views of CSO leaders, anti-corruption experts, journalists and persons with direct contact with NAB, if possible	Low level of effectiveness as reflected in survey finding (below 50%) and views of CSO leaders, anti-corruption experts, journalists and persons with direct contact with NAB, if possible	The research team could meet only a few persons with direct contact with NAB. Therefore, the sample was too small to generalize the response. In addition, the views of the accused persons may be biased and may not reflect NAB's actual effectiveness. Hence the indicator is not rated. Source: Focus Group Discussion

7G	Perception of NAB's effectiveness in dealing with complaints among female citizens who had direct contact with NAB	High level of effectiveness as reflected in survey finding (above 75%) and views of CSO leaders, anti-corruption experts, journalists and females with direct contact with NAB if possible	Moderate level of effectiveness as reflected in survey finding (50%-75%) and views of CSO leaders, anti-corruption experts, journalists and females with direct contact with NAB if possible	Low level of effectiveness as reflected in survey finding (below 50%) and views of CSO leaders, anti-corruption experts, journalists and females with direct contact with NAB if possible	The research team could not contact females having experienced direct dealing with NAB. NAB does not segregate data on the basis of gender. Hence, the indicator is not rated. Source: Focus Group Discussion
Sub Total:8					

4. CONCLUSION AND RECOMMENDATIONS

The main findings of the assessment were based on a set of 50 indicators divided into seven different dimensions. These indicators were designed to assess the capacity and effectiveness of NAB, and to identify gaps and areas of opportunity. Each indicator has been assigned one of three possible scores – high (3), moderate (2) and low (1), based on the level of standards set for each of the indicators. In order to arrive at the aggregate score for each dimension, the scores were converted from the 1-3 scale to a 0-2 scale. Thus, all (1) scores become (0), all (2) scores become (1) and all (3) scores become (2).

NAB has scored high in 49 per cent of the indicators assessed, moderate in 33 per cent of the indicators assessed, and low in 18 per cent of the indicators assessed. The findings indicate that two dimensions emerge out to be strong in NAB's assessment: its Cooperation with other Organizations and Oversight and Accountability. NAB's Perceptions of Effectiveness is its weakest dimension scoring the lowest ranking.

RECOMMENDATIONS

Two sets of recommendations have been formulated. One set of recommendations are for the Government and the other set is for NAB itself.

RECOMMENDATIONS FOR GOVERNMENT

Recommendation 1

Revision in the following clauses of NAO :

i. Revision in Article 6 of the NAO

The clause of Article 6 of NAO 1999 should be revised to include wider range of options in terms of selection of Chairman NAB. The clause of Article 6 of NAO 1999 states "A person shall not be appointed as Chairman NAB unless he (i) is a retired Chief Justice or a Judge of the Supreme Court or a Chief Justice of a High Court, or (ii) is a retired officer of the Armed Forces of Pakistan equivalent to the rank of a Lieutenant General; or (iii) is a retired Federal Government Officer in BPS 22 or equivalent[92]."

Considering the complex nature of crimes in Pakistan, diverse expertise is needed on part of Chairman NAB. A combination of technical expertise, foreign exposure and experience in a managerial/administrative position may contribute significantly to NAB's strategic decisions and operation.

92 National Accountability Ordinance 1999, www.nab.gov.pk/Downloads/nao.asp

The commissioners of Indonesia's ACA, Corruption Eradication Commission (Indonesian: Komisi Pemberantasan Korupsi (KPK), examined best practices in the private sector to develop a new human resources model for its office. Amien Sunaryadi[93] and Erry Hardjapemekas[94] (Former Commissioners KPK) relied heavily not only on their own corporate experiences, foreign exposure and administrative capability, but also on the consultants they hired to create policies for strategic planning, finance and human resource. Resultantly, Indonesia, where white-collar criminals had been mostly unpunished in the past, won back public's confidence owing to its 100 % conviction rate.

Article 6 should be revised to include the option of a technocrat having 35 years of administrative/judicial experience.

ii. Revision in Article 25 (b) of the NAO

As per Article 25 (b) of the NAO, an accused person charged for committing an offence of willful default on account of non-payment of dues to a bank/financial institution/Co-operative Society may apply to the Governor, State Bank of Pakistan for reconciliation of his liability through the Conciliation Committee. The Conciliation Committee comprises a nominee of the Governor, State Bank of Pakistan, two nominees of the NAB and two Chartered Accountants to be nominated by the Governor, State Bank of Pakistan. The conciliation must be concluded within a period of 30 days, subject to any extension of time granted by the Governor. Once an accused accepts the recommendations of the committee (provided the Governor, State Bank, and Chairman of the NAB also approve the same), the decision is implemented.

Although, the Conciliation Committee provides a mechanism for settlement of loan defaults, mitigating apprehensions of the business community in this regard, the Committee proceedings have slowed down the process of accountability. For proceedings against employees of banks and financial institutions, NAB must first obtain the approval of the State Bank of Pakistan[95].

In order to mitigate the potential of any bias in terms of the working of the Committee and to make its proceedings more judicious, it is recommended that there should also be nominees of Chief Justices, Supreme Court of Pakistan and Provincial High Courts in the Conciliation Committee.

iii. Revision in Article 31-C of the NAO

Article 31-C of the NAO 1999 states: "No Court established under this Ordinance shall take cognizance of an offence against an officer or an employee of a bank or financial institution for writing off, waving, restructuring or refinancing any financial facility, interest or mark-up without prior approval of the State Bank of Pakistan. Court to take cognizance of offence with prior approval of the State Bank."

93 amien-sunaryadi, http://profil.merdeka.com/indonesia/a/amien-sunaryadi/
94 Erry Riyana Hardjapamekas
http://www.bloomberg.com/research/stocks/people/person.asp?personId=8251267&privcapId=878413
95 National Accountability Bureau: An Independent Review of Structure and Performance
http://www.pildat.org/Publications/publication/Democracy&LegStr/NationalAccountabilityBureauAnIndependent ReviewofStructureandPerformance.pdf

Banking sector has been instrumental in the increasing rate of corrupt activities in the country. Several bank officials have been named in fraudulent cases. Also, many cases of willful bank defaulters have been reported to NAB in the past. Huge loans are sanctioned without proper securing of collateral[96], and suspicious transactions are on a constant rise[97]. NAB itself has been working on prevention of corruption to curb the mal practices in the banking sector[98].

Article 31-C should be deleted as it provides protection to corrupt bank officials and businessmen and hence, increases corruption in the country.

iv. The provision of Voluntary Return should be eliminated.

Article 25 a) of NAO 1999 states: "Notwithstanding anything contained in section 15 or in any other law for the time being in force, where a holder of public office or any other person, prior to the authorization of investigation against him, voluntarily comes forward and offers to return the assets or gains acquired or made by him in the course, or as the consequence, of any offence under this Ordinance, the Chairman NAB may accept such offer and after determination of the amount due from such person and its deposit with the NAB, discharge such person from all his liability in respect of the matter or transaction in issue. "

The provision of Voluntary Return is cited as one of the biggest criticisms on NAB as the accused gets away without the punishment by returning a relatively meager amount as compared to the original amount of embezzlement. Furthermore, after Voluntary Return, the accused have been known to be reappointed at the previously held position. Recently, the Supreme Court of Pakistan has restrained NAB from approving deals for voluntary return. There are several members of National and Provincial Assemblies and high-ranking government and autonomous organizations' officers who are still holding respective offices despite committing corruption and have availed the VR facility of NAB and that too by paying a portion of the embezzled amount in installments[99].

A certain extent of exemplary punishment needs to be there to serve as a lesson for others. Therefore, it is recommended that the provision of Voluntary Return should be eliminated.

v. The option of Plea Bargain should only be exercised for approver/s in a transparent manner, only when the main accused in a corruption case can be prosecuted on the approver's confession.

The accused persons request a plea bargain under section 25 (b) of the National Accountability Ordinance (NAO) 1999 that states: "The accused offers to return to the NAB the assets or gains acquired or made by him in the course, or as a consequence, of any offence under this Ordinance, the Chairman NAB, may, in his discretion, after taking into consideration the facts and circumstances of the case, accept the offer on such terms and conditions as he may consider necessary, and if the accused agrees

96 The Loan Default Drive, http://www.pakistaneconomist.com/issue1999/issue47/cover.htm

97 Money Laundering and Financial Crimes http://www.state.gov/documents/organization/100922.pdf

98 NAB tells Prevention of Fraudulent Practices in Banking Sectorhttp://lahoreworld.com/2013/01/04/nab-tells-prevention-of-fraudulent-practices-in-banking-sector/

99 NAB chief barred from voluntary return deals, http://www.dawn.com/news/1292113/nab-chief-barred-from-voluntary-return-deals

to return to NAB the amount determined by the Chairman NAB, he(the Chairman NAB) shall refer the case for the approval of the Court[100]."

Across the world, the provision of plea bargain is considered as a potential solution to curb corruption such as clearing case backlogs or in case of prosecution of accused it would be lengthy and costly. However, the provision has resulted in inadvertent consequences, at the same time; including contributing to a negative public perception and boosting corrupt practices[101]. In Pakistan, the provision of Plea bargain has faced severe criticism in terms of its ethical and legal connotations. Exemplary penalization of the perpetrators of financial crimes is emphasized by the stakeholders and critics. Such criticism appears justified as the country's wealth has been "gobbled up by criminals."

This is regardless of the fact that large amounts have been recovered through the plea bargain provisions[102]. To minimize the unintended consequences of plea bargaining, it is recommended that the option of Plea Bargain should only be exercised for approver/s in a transparent manner, only when the main accused in a corruption case can be prosecuted on the approver's confession.

Recommendation 2
1% of Gross Domestic Product (GDP) should be allocated to NAB.

One of the best ACAs across the globe, Singapore's Corrupt Practices Investigation Bureau (CPIB), has been allocated a budget of $34.87 million which is 8.6% of the Prime Minister Office's total expenditure[103]. Similarly, The Independent Commission against Corruption (ICAC)'s budget accounts for 0.38% of the national budget. In Mongolia, the law prohibits any reduction of the budget for ACAs, compared with the year before which is an effective guarantee that demonstrates a continued political will towards helping ACAs conduct their work[104].

The findings show that NAB is allocated below 0.10% of the total government's expenditure. In a country such as Pakistan where corruption has continued to remain a huge menace and impediment in its way to growth and performance since its inception, a higher proportion of budget should be allocated to NAB to improve its system and procedures. NAB should request 1% of Gross Domestic Product (GDP) and chalk out a plan of spending it to improve further its efficiency and effectiveness.

Recommendation 3
An Oversight Committee should be formulated for NAB's Accountability.

Effective oversight is extremely crucial for NAB's accountability for its actions and prevention of abuse of power. To give a brief overview of the best practices, the effectiveness of Independent Commission against Corruption (ICAC), Hong Kong's ACA, lies with an elaborate check and balance system-the operations review

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100 National Accountability Ordinance 1999
101 Introducing Plea Bargaining into Post Conflict Legal Systemshttp://inprol.org/sites/default/files/publications/2014/introducing_plea_bargaining_0.pdf
102 The Plea Bargain National Accountability Bureau Pakistan, http://www.icac.org.hk/newsl/issue14eng/button3.htm
103 Singapore Budget 2013 - Expenditure Overview - Prime Minister's Office http://www.singaporebudget.gov.sg/budget_2013/expenditure_overview/pmo.html
104 Comprehensive & Effective Approach to Anti-Corruption, The Hong Kong ICAC Experience, with a View on New Approaches in the Fight Against Corruption

committee, which is a high powered committee that reviews each and every report of corruption and investigation. In addition, there is an independent complaint committee where members of the public can lodge any complaint against the ACA and/or its officers and there will be an independent investigation.

ICAC also formulated multiple citizen advisory committees comprising eminent private citizens who are also authorized to review closed cases. Citizens perceived such nongovernmental oversight as comparatively neutral[105].

The New South Wales' ACA operates under the supervision of two committees: a Parliamentary joint committee and an operations review committee that hold the ACA accountable for its actions, investigations, and general comportment as a government agency[106]. An oversight committee should be formulated to keep an effective check over NAB's performance and practices. The committee comprising five judges of Supreme Court should be headed by the Chief Justice.

Recommendations 4
Anti-Corruption should be included in the curriculum of the elementary, secondary and degree programs of educational institutions.

Educational interventions by ACAs are believed to work effectively in reshaping mind sets and hence result in long term gains. In this respect, the anti-corruption agencies of Botswana and Indonesia collaborated with the educational institutions to develop pioneering educational interventions.

University courses were designed to train students to identify corruption around them and trace its impact. Special Investigation Service of the Republic of Lithuania developed anti-corruption curricula for all educational levels to gradually change the public mind-set. Many ACAs also worked on collaborative research projects[107].

It is recommended that Anti-Corruption should be included in the curriculum of the elementary, secondary and degree programs of educational institutions to motivate the youth to participate actively in anti-corruption activities. Joint research projects at the higher education level particularly for PhD and MPhil scholars, training programs for the youth at executive education centers and curriculum development at all levels are some areas NAB can focus to collaborate with the academia. Donors like USAID and UNDP can be approached for grants in such areas.

RECOMMENDATIONS FOR NAB

Recommendation 1
NAB should increase collaboration with the media.

"Publicity for an anti-corruption agency is one of the bases for survival. We had to be visible, very visible." said Mr. Loskutovs, Former Director, Latvia's Corruption Prevention and Combating Bureau (KNAB). Prosecutors of Croatia's Bureau for Combating Corruption and Organized Crime (USKOK) received training in media

105 Tony KWOK Man-wai (2006) Formulating an Effective Anti-Corruption Strategy –The Experience of Hong Kong ICAC, accessed on September 1, 2016 https://www.ncjrs.gov/App/publications/abstract.aspx?ID=239417

106 John R. Heilbrunn (2004) Anti-Corruption Commissions Panacea or Real Medicine to Fight Corruption? accessed on September 1, 2016 siteresources.worldbank.org/WBI/Resources/wbi37234Heilbrunn.pdf

107 From Underdogs To Watchdogs: How Anti-Corruption Agencies Can Hold Off Potent Adversaries, https://successfulsocieties.princeton.edu/sites/.../files/Policy_Note_ID236.pdf

relations. Media's attention was drawn to Slovenia's ACA, Commission for the Prevention of Corruption (CPC), through the personal standing and public relations of its commissioner[108]. The Independent Commission against Corruption (ICAC) of Hong Kong has been working effectively in collaboration with the media to encourage public to report corruption; promote public awareness on the evil of corruption and the need for a fair and just society[109]. In 2008, the KPK collaborated with the media to run a campaign, "Indonesia Is Calling" which was able to stimulate patriotic feelings in the public. The campaign motivated 28,000 people to apply for 85 vacant positions at KPK. The collaboration led to a competitive hiring process resulting in highly competent personnel[110].

NAB should collaborate with the media to encourage the public to report corruption. Awareness should be raised regarding the procedure of lodging a complaint. NAB can work on further improvement of its public image with support by the media.

Recommendation 2
NAB should make a thorough analysis of the entire chain of system to improve its conviction rate.

Best practices of the ACAs reflect how a higher conviction rate has been has led to public's confidence in ACAs' performance. The efforts and commitment by the Singaporean's ACA, Corrupt Practices Investigation Bureau (CPIB) has contributed to a high conviction rate for corruption-related cases over the years.

In 2015, the conviction rate of CPIB was 97% while the average conviction rate for the past 3 years has remained consistently above 95%[111].

When Indonesia's ACA Komisi Pemberantasan Korupsi (KPK) initiated its robust approach to counter corruption, the public had little confidence in the five commissioners appointed, mainly because of the country's past practices of political corruption. However, owing to its 100% conviction rate, it is now "Indonesia's most trusted public institution[112]."

NAB should make a thorough analysis of the entire chain of system that leads to conviction in order to identify what factors impede the progress and at what particular point. More resources such as training programs, hiring of competent officials and additional budget should be devoted to the gaps identified in the analysis.

Recommendation 3
Prosecutors and investigating officers of NAB should receive training in specialized fields.

Indonesia's KPK, at the very onset, focused specifically on building capacity as compared to issues of public mistrust. The KPK's commissioners meticulously

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108 From Underdogs To Watchdogs: How Anti-Corruption Agencies Can Hold Off Potent Adversaries https://successfulsocieties.princeton.edu/sites/.../files/Policy_Note_ID236.pdf
109 Comprehensive & Effective Approach to Anti-Corruption, The Hong Kong ICAC Experience, with a View on New Approaches in the Fight Against Corruption http://www.kwok-manwai.com/articles/Comprehensive_Effective.html
110 Inviting a Tiger into Your Home: Indonesia Creates an Anti-Corruption Commission with Teeth: 2002–2007 (2012).
111 The Corrupt Practices Investigation Bureau Annual Report 2015, https://www.cpib.gov.sg/sites/cpibv2/files/CPIB_AnnualReport2015_.pdf
112 Indonesia's Anti-corruption Commission, www.icac.org.hk/newsl/issue22eng/button3.htm

recruited officers through a strict competition, set up ethical codes, and started training investigators. Depending on foreign as well as local expertise, procedural and substantive topics were covered in the training programs. A case study of ACAs of eight countries (Botswana, Croatia, Ghana, Indonesia, Latvia, Lithuania, Mauritius, and Slovenia) reports how they motivated their employees to specialize, often through training abroad.

For instance, Indonesia's KPK formed an electronic surveillance team, and Latvia groomed finance specialists. Workers' performance in KPK was tracked by an online balanced-scorecard system[113]. In house expertise in the above mentioned areas will give NAB further independence keeping external influences to a minimum. Prosecutors and investigating officers of NAB should receive training in proper investigation to enable them to present convincing cases. Training in asset recovery of proceeds stashed in offshore/foreign banks, public procurement, share trading and banking crime should be conducted for its officers. In addition, a continuous screening process aimed at ensuring competence and professionalism should be in place for NAB's employees to undergo at periodic intervals.

Recommendation 4

NAB should make full use of social media as a catalyst for public engagement.

The negative perception in relation to NAB's ineffectiveness in the use of its powers is paramount in the country. As discussed before, the sense of harassment by NAB officials prevalent among the general public and the resultant loss of confidence in NAB's powers needs to be addressed. In the digital era, social media serves as a strong communication tool among the educated strata of society in particular and the masses in general. Furthermore, engaging the youth which represents a significant portion of the population in Pakistan, as 64% of the country's population is below the age of 30[114], in the fight against corruption and shaping public opinion is extremely important.

Malaysian Anti-Corruption Commission (MACC) has been successful in the use of social media to enhance its public image and to reverse the negative perception of the public in its effectiveness. Social media was used regularly to disseminate any news or issues highlighted by the public.

Popularity of MACC Facebook is fast growing and gaining popularity especially amongst younger generation. Its discussion board which periodically deliberates matters on arrests, community education information, current issues, guidance on anti-corruption, offences and sentences on corruption, etc. is monitored by a Media Monitoring Consultant[115].

Another example in this respect is Singapore's ACA, Corrupt Practices Investigation Bureau, which launched its first social media platforms in the form of Facebook in 2014[116]. At present, NAB's Facebook page in not very active and its posts are not

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113 From Underdogs To Watchdogs: How Anti-Corruption Agencies Can Hold Off Potent Adversaries https://successfulsocieties.princeton.edu/sites/.../files/Policy_Note_ID236.pdf

114 National Human Development Report 2016, http://nhdr.undp.org.pk/nhdr-2016-on-youth

115 Ahmad Khusairi Yahaya, War Against Perception: The Role of Social Media In Gaining Public Support www.unafei.or.jp/english/pdf/PDF_GG5_Seminar/GG5_Malaysia1.pd

116 Corruption Situation in Singapore Under Control (Embargoed until issuance on 2 April 2015) Key Highlights www.cpib.gov.sg

updated on a regular basis. An effective and efficient Facebook page will sound more approachable and practical to the citizens in order to report corrupt practices. In addition, social media will be far more cost effective than the traditional dissemination of information tools.

It is recommended NAB should make full use of social media as a catalyst for public engagement. A strategic plan on the utilization of social media needs to be laid out and implemented and dedicated staff should be assigned to monitor its online performance.

Recommendation 5
NAB should ensure that its investigation procedures should be completely compliant with the basic rights of the citizens enshrined in Qanoon-e-Shahdat and the country's constitution.

The Qanun-e-Shahadat Order, 1984 (Article 37) states: A confession made by an accused person is irrelevant in a criminal proceeding, if the making of the confession appears to the Court to have been caused by any inducement, threat or promise having reference to the charge against the accused person, proceeding from a person in authority and sufficient, in the opinion of the Court, to give the accused person grounds which would appear to him reasonable, for supposing that by making it he would gain any advantage or avoid any evil of a temporal nature in reference to the proceedings against him[117]."

Clause 24 of Singapore's Evidence Act (1997)[118] Section 24 of Malaysia's Evidence Act 1950[119] and Criminal Evidence in Hong Kong (1996)[120] state similar conditions for confession.

The word "confession" itself denotes that it is a voluntary statement made by the person charged with the commission of the crime. Therefore, it is recommended that NAB should ensure that its investigation procedures should be completely compliant with the basic rights of the citizens enshrined in Qanoon-e-Shahadat and the country's constitution, both by law and practice.

Recommendation 6
The timeline for inquiries should be in accordance with the provision in Ehtesab Act 1996.

Delays in the investigation of inquiries were quoted by the stakeholders as one of the biggest reasons of public's mistrust in NAB's effectiveness. Such delays in completion of proceedings can impede efforts to reduce malpractices. On one hand, the innocent persons could be harassed at the hands of perceived unprofessionalism on NAB's part and on the other hand, the guilty would get an opportunity to evade retributive action for longer periods of time.

117 The Qanun-e-Shahadat Order, 1984
118 Singapore Statutes Online - 97 - Evidence Act statutes.agc.gov.sg/aol
119 The Annotated Statutes of Malaysia: Evidence Act 1950 (1996 Issue)
120 Criminal Evidence in Hong Kong (Issue 3, 1996)

Therefore, it is recommended that the inquiries are finalized in an expeditious manner. The timeline for inquiries should be in accordance with the provision in Ehtesab Act 1996, i.e. 60 days to dispose of a case. The Accountability Courts should also complete the investigation within their defined limit of 30 days. In case of default, the accused should be released on bail.

Recommendations 7

NAB should deal with the accused and the witnesses in a dignified and respectful manner.

NAB treats people in a threatening way which leads to a sense of harassment in the general public. As discussed, the key stakeholders consulted for the research reported lax and unprofessional attitude on NAB's part. Such examples of internal abuses of power while handling persons under investigation can damage not only NAB's credibility but also its competence.

NAB should deal with the accused and the witnesses in a dignified and respectful manner and should not treat them as guilty of crimes at the very onset. NAB's notices requesting witnesses to present themselves state: "You are informed that failing to comply with the notice may entail penal consequences as provided in S.2 of the schedule of NAO, 1999." The notice should be worded in a polite way. NAB, during the review process of this report, shared that Standard Operating Procedures (SOP)s have been formulated in this respect wherein NAB officers have been instructed to facilitate the general public when they wish to lodge complaints.

Recommendation 8

Precautionary measures need to ensure the agency does not itself become a source for extortion and corruption.

Understanding the situations where its staff could be tempted to abuse their authority, Indonesian ACA, KPK decided on a policy of "zero tolerance for abuse of power." A "solid, unified staff," was developed through rigorous six months long training efforts emphasizing on acceptance of KPK's values of integrity[121].

It is encouraging to note that NAB takes cognizance of cases of corrupt practice by its own employees under National Accountability Bureau Ordinance. However, NAB needs to instill the values of honesty and integrity into its culture as precautionary measures to ensure the agency does not itself become a source for extortion and corruption.

121 Inviting a Tiger into Your Home: Indonesia Creates an Anti-Corruption Commission with Teeth: 2002–2007 (2012)

It is recommended that NAB should follow similar practices and its "Zero Tolerance Policy" should be upheld in the true sense of the word. Active participation of all NAB' officials, particularly the new inductees, in NAB's anti-corruption prevention projects with the academia and other stakeholders should be mandatory to equip them with a sense of commitment and ownership for its own values.

Recommendation 9

NAB should ensure that the reference prepared and successfully tried in the Accountability Courts should be upheld in all subsequent review petitions in High Courts and Supreme Court.

Meeting public's expectations appears to be the greatest challenge for NAB in the wake of corruption being the major impediment in the way to growth of the country. NAB should follows the best practices of effective ACAs of other countries like Croatia[122] , Indonesia, Latvia[123], and Slovenia[124] which decided to pursue cases of influential persons at the very onset to enhance their credibility.

NAB can mitigate public's distrust by ensuring that the reference prepared and successfully tried in the Accountability Courts should be upheld in all subsequent review petitions in High Courts and the Supreme Court. NAB, during the review process of this report, shared that Special Prosecutors have been hired to serve this purpose.

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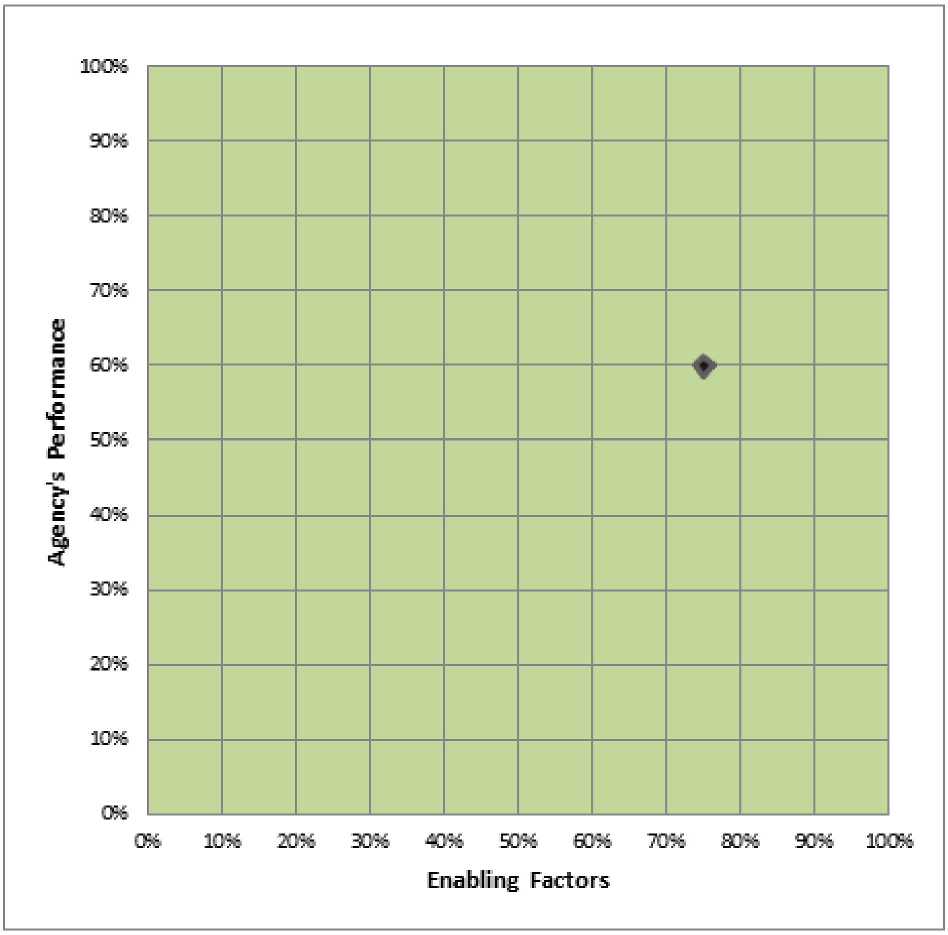
122 "Cleaning House: Croatia Mops Up High-Level Corruption, 2005–2012" (2013).
123 From Underdogs To Watchdogs: How Anti-Corruption Agencies Can Hold Off Potent Adversaries https://successfulsocieties.princeton.edu/ sites/.../files/Policy_Note_ID236.pdf
124 Toothless but Forceful: Slovenia's Anti-Corruption Watchdog Exposes Systemic Graft, 2004–2013 (2013)

NAB's Enabling Factors & Performance

Each indicator of NAB's assessment is categorized according to whether it relates to a set of enabling factors beyond NAB's control or its performance within its control. There are a total of 50 indicators, 17 of which relate to the enabling factors and 33 relate to the performance of the NAB (see Annex 5).

Enabling Factors	75%
Agency's Performance	60%

Graph showing position of NAB



Conclusion

National Accountability Bureau holds the responsibility of eradication of corruption following an encompassing approach of awareness, prevention and enforcement since its inception. For the first three years, it focused only at detection, investigation of white collar crime. After launching the National Anti-Corruption Strategy (NACS) in 2002 and amendments in NAO, it developed a broader strategy and a detailed action plan. Since then, NAB has been empowered to broaden its horizon and focus on awareness and prevention in addition to its enforcement functions.

Being Pakistan's primary anti-corruption institution, NAB faces huge challenges. Corruption has been a huge impediment for the country since the time of inception. The public perceives that nothing can be done to curb corruption that the country faces. People have lost their faith in the government and higher institutions as being ineffective in handling the corruption in the country.

Working under such a challenging situation, NAB investigated cases against politicians, public service officials and other citizens who were guilty of gross abuse of powers. In addition, it has recovered billions of rupees from corrupt individuals and institutions. NAB envisions being a credible, effective, efficient and dynamic anti-corruption organization creating an enabling environment for a corruption free society by engaging all stakeholders in its mission to eliminate corruption.

NAB's assessment reflects that it is a legally independent organization by law and has been given maximum powers to carry out its duties. However, the findings depict that NAB is not exercising the given powers fully and effectively which it is recommended to excersice so as to win back the trust and confidence of the public.

Although, NAB itself reports sufficiency in the budget assigned by the government, a higher proportion of budget is recommended. In such a case, the additional financial resources can be spent on the areas for improvement such as training, in outsourcing its recruitment, strengthening its outreach, etc.

The inability to punish the influential persons needs to be addressed. Perhaps this is the reason behind the public's mistrust in the effectiveness of NAB. Strong support from the stakeholders including the government is required to do that.

Another issue related to public's confidence and good governance that the government needs to address is strong oversight and accountability mechanism. An effective and transparent monitoring and evaluation system needs to be developed immediately.

NAB's effectiveness and integrity will be addressed itself if the measures mentioned above are undertaken. NAB needs to exercise its powers fully and improve its processes so that it leads to the prosecution of powerful persons in the country to set examples for the public. Furthermore, NAB should conduct public perception surveys in collaboration with CSOs periodically to be informed of its strengths and weaknesses.

The purpose of the assessment initiative is to encourage a strong drive for improvement in collaboration with relevant stakeholders and chalk out an effective strategy for change. It is sincerely hoped that the initiative is successful in its objective and a consultative process engaging all stakeholders begins soon.

ANNEX 1: BACKGROUND TO THE PROJECT

Transparency International believes that Anti-Corruption Agencies (ACAs), as public institutions tasked with combatting corruption, must be transparent, accessible and accountable to citizens. They must operate with the utmost integrity, maintain a reputation of objectivity and professionalism and demonstrate effectiveness in their duties. Transparency International has identified ACAs as key partners in the fight against corruption and plans to work in constructive collaboration with governments who are ready to invest in improving their anti-corruption effectiveness by building strong oversight and enforcement mechanisms.

Transparency International's initiative aimed at strengthening anti-corruption agencies combines biennial assessments of ACAs with sustained engagement, dialogue and advocacy at both national and regional levels. A robust assessment tool was developed over a period of two years in consultation with numerous experts and practitioners around the world. In mid-2013, Transparency International convened an experts meeting in Kuala Lumpur to explore the possibility of developing an ACA assessment tool. After receiving encouraging feedback and useful input, Transparency International commissioned a background review and draft framework by anti-corruption specialist, Alan Doig. The concept received further interest and backing from ACAs in Asia Pacific during the 18th and 19th Steering Group Meetings of the ADB/OECD Anti-Corruption Initiative for Asia-Pacific in 2013 and 2014. In 2014, Transparency International commissioned anti-corruption expert, Dr Jon Quah to further refine the framework, producing a set of indicators incorporating elements of TI's National Integrity Systems assessment methodology and other relevant tools and principles. In April 2015, Transparency International organized a Focus Group Discussion in Bangkok, bringing together practitioners, researchers and ACAs to scrutinize the indicator framework and approach. Participants subsequently formed an Advisory Group to guide the finalization of the tool.

ANNEX 2: INTERVIEWEES

Persons Interviewed during NAB's Assessment August 2016 - October, 2016

	Position	Organization
1.	Chairman	National Accountability Bureau
2.	Deputy Chairman	National Accountability Bureau
3.	Director General, Operations	National Accountability Bureau
4.	Director General	NAB (Karachi) Office
5.	General Manager, Planning & Development	Karachi Port Trust
6.	Chairman	Autonomous Government Entity
7.	Senior Official	Accountant General Pakistan
8.	Senior Staff Reporter	The News
9.	Senior Journalist	Agence France-Presse
10.	Senior Free Lance Journalist	Press Club

ANNEX 3: STAKEHOLDERS CONSULTED

	Position	Organization
1.	Chairman, Deputy Chairman, Director Generals, Management and Staff	National Accountability Bureau
2.	Ex-Federal Tax Ombudsman	Federal Tax Ombudsman, Pakistan
3.	Director Investigation Wing NAB Sindh	NAB Sindh
4.	Ex-Advocate General	Advocate General, Sindh
5.	Ex-Senior Police Officer	Sindh Police
6.	Former vice president , FPCCI	Federation of Pakistan Chambers of Commerce & Industry
7.	Ex-Chief Justice	Shariat Court
8.	Ex-Justice	Supreme Court of Pakistan
9.	General Secretary	Shehri-Citizens for a Better Environment (CBE), Civil Society Organization
10.	Senators	Senate of Pakistan
11.	Chief, political party	Jamaat-e-Islami, Karachi
12.	Economic Growth Advisor	USAID
13.	Parliamentarian	Sindh Provincial Assembly
14.	CEO	Mubarak Institute of Literacy and Learning, Civil Society Organization
15.	Academician	University of Karachi
16.	Ex Director General	Auditor General of Pakistan
17.	Chairman	Citizens Police Liaison Committee
18.	Chairman	The Pakistan Institute of International Culture Civil Society Organization
19.	Students	Institute of Business Management (IOBM)

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ANNEX 5:
CLASSIFICATION OF INDICATORS

Indicator		Relating to:	
		Enabling Factors	**ACA Performance**
1	ACA's legal independence	Yes	No
2	ACA's mandate	Yes	No
3	ACA's legal powers	Yes	No
4	Appointment of ACA Commissioner(s)	Yes	No
5	ACA Commissioner(s)' term of office and removal	Yes	No
6	ACA's operational autonomy and impartiality	Yes	No
7	Government's reliance on ACA to use corruption as a weapon against political opponents	Yes	No
8	Average proportion of ACA's budget to total government budget for past 3 years	Yes	No
9	Sufficiency of ACA's budget for performing its functions	Yes	No
10	Security and stability of ACA's budget during past 3 years	Yes	No
11	ACA personnel's salary and benefits	Yes	No
12	ACA's selection criteria for personnel	Yes	No
13	Expertise of ACA's personnel in corruption investigation	No	Yes
14	Expertise of ACA's personnel in corruption prevention and education	No	Yes
15	Training of ACA's personnel	No	Yes
16	Stability of ACA's personnel	No	Yes
17	ACA's accessibility to corruption complainants/informants, including public and whistle-blowers during past 3 years	No	Yes
18	ACA's responsiveness to corruption complaints during past 3 years	No	Yes
19	ACA's willingness to initiate corruption investigations during past 3 years	No	Yes
20	Average number of cases investigated by ACA personnel during past 3 years	No	Yes
21	Efficiency and professionalism of corruption investigations by ACA during past 3 years	No	Yes
22	Average conviction rate of corruption cases investigated by ACA in past 3 years	Yes	No
23	ACA's willingness to investigate influential persons for corruption without fear or favour during past 3 years	No	Yes
24	ACA's role in restitution, asset recovery, freezing and confiscation during past 3 years	No	Yes
25	Does the ACA identify gender in compiling corruption complaints and monitoring corruption trends?	No	Yes
26	Average proportion of ACA's operating expenditure allocated to public outreach and prevention during past 3 years	Yes	No

27	ACA’s corruption prevention initiatives during past 3 years	No	Yes
28	Number of reviews of organizational procedures, systems & capabilities conducted by ACA to prevent corruption during past 3 years	No	Yes
29	Frequency of including corruption prevention recommendations in ACA’s investigation reports during past 3 years	No	Yes
30	ACA’s plan for prevention, education and outreach and its implementation	No	Yes
31	ACA’s collaboration with other stakeholders in prevention, education and outreach activities	No	Yes
32	ACA's research and exploration of corruption risks, context and conditions	No	Yes
33	ACA’s dissemination of corruption prevention information and use of campaigns	No	Yes
34	ACA’s use of its website and social media for disseminating information on corruption prevention	No	Yes
35	Government support (e.g. Attorney-General’s Office, Director of Public Prosecutions) to ACA for prosecution of corruption cases	Yes	No
36	Cooperation between ACA and other integrity agencies (including other ACAs if there are multiple ACAs in country)	No	Yes
37	Cooperation between ACA and non-government organizations including CSOs and private companies	No	Yes
38	ACA’s participation in international networks	No	Yes
39	ACA’s cooperation with ACAs in other countries	No	Yes
40	Information provided in and accessibility of ACA’s annual report and website	No	Yes
41	ACA’s oversight mechanisms	Yes	No
42	ACA’s procedure for dealing with complaints against ACA personnel	No	Yes
43	Outcomes of complaints against ACA or its personnel in past 3 years	No	Yes
44	Public confidence that government has given ACA the required powers and resources for curbing corruption	Yes	No
45	Public confidence in ACA’s adherence to due process, impartiality, and fairness in using its powers	No	Yes
46	Confidence in ACA’s adherence to due process, impartiality, and fairness in using its powers among persons who had direct contact with ACA	No	Yes
47	Confidence in ACA's dignified and respectful treatment of persons under investigation	No	Yes
48	Public perception of ACA’s effectiveness in corruption control	No	Yes
49	Perception of ACA’s effectiveness in corruption control among persons with direct contact with ACA	No	Yes
50	Perception of ACA’s effectiveness in dealing with complaints among female citizens who had direct contact with ACA	No	Yes

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